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ABSTRACT

The character and impact of citizen monitoring groups are examined in this report, which evaluates groups monitoring three civil rights issues related to public education: race desegregation, sex equity, and services for the handicapped. The authors conducted site visits to study monitoring of race desegregation in 15 school systems, sex equity in eight locations, and services for the handicapped in seven locations. The purpose was to explore the effectiveness of monitoring groups in order to recommend the best roles, structures, resources, and strategies for groups effecting civil rights compliance. The report covers six areas: (1) the definition of citizen monitoring groups; (2) the description of four types of civil rights goals; (3) the definition of monitoring and the role of citizen groups in achieving these goals; (4) the criteria for the effectiveness of monitoring groups and methods used to select research sites, interview subjects, and interview topics; (5) a detailed analysis of 13 monitoring groups; and (6) conclusions and recommendations for future monitoring groups. The research identified these factors as necessary for effective monitoring: mandate, authority, members, information, and community support (or at least acquiescence). A lengthy appendix includes interview guides and an executive summary of the report. (Author/JM)

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THE CHARACTER AND EFFECTIVENESS OF CITIZEN MONITORING GROUPS IN IMPLEMENTING CIVIL RIGHTS IN PUBLIC SCHOOLS

SUBMITTED TO

THE NATIONAL INSTITUTE OF EDUCATION

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THE OFFICE FOR CIVIL RIGHTS

DEPARTMENT OF EDUCATION

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I. INTRODUCTION

> Whereas some people turn to God when a problem looms on the social horizon, and others turn to the state, Americans instinctively form a committee, elect a president and secretary-treasurer, and set about finding a solution.[1]

Americans' impulse to establish citizen groups to grapple with social problems is at least as old as the Revolution's Committees of Correspondence. De Tocqueville and his successors have exclaimed over our astonishing propensity to form and join voluntary associations, and liberal political theory has shifted its focus in the twentieth century from individualism to pluralism at least partly as a response to this propensity to form political groups.

But social scientists and political activists have been more impressive in noting than in evaluating these groups. There are, in our judgement, no uncontested general rules on how to establish the most effective citizen group, or even on how to know the "most effective" group when we see it. Some recommend broad umbrella groups coordinating a variety of activities;[2] others claim that only single-minded advocacy groups[3] or very small groups[4] can accomplish anything. Some recommend professionalization and streamlined organization;[5] others argue that achievement is inversely related to organization.[6] Some recommend confrontation,[7] others insist that only by sympathizing with an antagonist's needs and motivations can a group induce that antagonist to change.[8] And so on.

Of course, some of these differences in recommendations are not contradictions; they merely address different situations or assume different goals. It is useless to seek general rules for effective citizen groups; we should instead seek rules for effective action in particular circumstances to achieve

particular ends. That will be our strategy here. If we find rules that apply across a wide range of conditions and pursuits, perhaps we can then claim a general rule, but we shall not singlemindedly seek such rules. Rather, we shall ask which rules fit which conditions for which citizen groups with which goals.

In this report, we examine the character and impact of citizen monitoring groups involved in three civil rights issues relevant to public education--race desegregation, sex equity, and ending discrimination against the handicapped.

Since 1970, citizen groups have been established to help plan and implement race desegregation plans in over thirty school districts. These groups range from three-person Biracial Advisory Committees with no funding and a two month life span, to elaborate networks of parents, social scientists, lawyers, educators, and community leaders, with hundreds of thousands of dollars of funding and an indefinite life span. In response to federal and state laws and regulations, pressure from private foundations and interest groups, and initiatives from local community and school leaders, many communities now monitor compliance with sex equity plans. Parents of handicapped children and state and regional organizations are gaining sophistication in monitoring the provision of educational services to physically and mentally handicapped children. In addition, hundreds of local and national groups are, without any formal mandate or recognition, keeping watch over schools and trying to induce them more fully to guarantee students' civil rights. By now, probably a majority of all public school children attend schools which have been monitored in some fashion by citizen groups concerned with civil rights compliance.

And yet there has been no systematic research on the structure, function, and consequences of these groups. Lila Carol[9] has done two preliminary descriptive studies of desegregation monitoring panels, but no one has yet established criteria for evaluating the effectiveness of various commissions.[10]

Because of the lack of any previous systematic research on monitoring committees, there is no general typology to aid in comparing them. There are no analyses of the relationships among the mandates given to the panels, their resources and strategies and their degree of success. There are no comparisons among race, sex, and handicap cases.

This report tries to fill some of these gaps. We have conducted site visits in fifteen school systems to study the monitoring of race desegregation, eight locations to study sex equity monitoring, and seven locations to study monitoring of issues concerning the handicapped.[11] Our purpose has been to explore the effectiveness of existing monitoring groups in order to recommend roles, structures, resources, and strategies that will best enable other groups to help effect civil rights compliance. We have also tried to identify situations in which citizen groups appear to be ineffective or even counterproductive in order to recommend ways to avoid such undesirable results.

This report summarizes our research findings, draws conclusions about the effectiveness of citizen monitoring and makes recommendations should the Office for Civil Rights or other organizations choose to set up monitoring groups to oversee compliance with civil rights legislation and litigation. The report has six topics: 1) it defines citizen monitoring groups; 2) it defines four civil rights goals; 3) it defines monitoring and the role of citizen groups in achieving these goals; 4) it describes the methods used to select research sites, interview subjects, interview topics, and criteria for effectiveness; 5) it describes and analyzes seven race desegregation monitoring groups, four sex equity groups, and two handicapped groups; and 6) it draws conclusions from the analytic structure and case studies, and makes recommendations for future monitoring groups.

II. WHAT IS A MONITORING GROUP?

A strict definition of a citizen monitoring group would include all of the following eight characteristics:

1. The main focus of its activity is implementation of civil rights goals.

Citizen groups have, of course, been involved in bringing civil rights violations to the attention of other citizens and officials, fighting civil rights cases in courts and legislatures, planning remedies, and helping to carry them out -- but none of these groups are our immediate concern.[12] We are concerned with groups that are addressing the implementation of civil rights goals--the remedial phase of a court order, or the post-compliance-review phase of a legislative and regulatory process. In some cases, particularly in monitoring the civil rights of handicapped students, the issues are not developed clearly enough to distinguish implementation from initiation. Nevertheless, if a monitoring group is not primarily focussed on achieving a set of results that have already been specified, it is not within our purview.

2. Its major purpose is to observe and report on civil rights implementation.

Some citizen groups work to achieve civil rights goals, but such groups[13] are not our immediate concern. We are concerned with groups that are mainly occupied in observing and reporting on the implementation of those goals. These groups may also be activist -- and monitoring itself can, of course, be a very active process -- but their role must predominantly be that of a watcher from the side lines.

3. The majority of its members are citizens who do not hold political office, work for the school system or courts, or work as a public official of any sort.

The citizens are not necessarily volunteers; they are sometimes paid members or staffers of the monitoring group. Similarly, some members of the monitoring group may be federal, state, judicial, or school employees, but most are not. Thus we are not concerned with groups composed of people who already work for the schools or

government and who have had a new job of monitoring civil rights compliance added to their job description.[14] Nor are we concerned with people whose career consists in working for a government or school system in the area of civil rights. Thus we exclude from our analysis school Title IX officers, Race and Sex Desegregation Centers, state civil rights agencies, the Office for Civil Rights, state departments of education,[15] and the Community Relations Service of the Justice Department. Our focus is on groups of citizens who come together to monitor their school systems, and whose groups will disband when the monitoring is complete.

4. There are several members in a monitoring body; it is a monitoring group.

By this criterion, we exclude individual court experts, masters and special masters, individual consultants hired to monitor some aspect of a civil rights plan, and individual citizens who choose to monitor their children's school. We are focussing on groups, which range in size from three to over 100.

5. The groups have at least semi-official status, and usually are mandated as a legitimate public body.

This criterion is intended to exclude interest groups that choose to monitor schools but are not recognized by the schools, courts, or federal or state agencies as having any legitimate status. Some monitoring groups begin with private funding and sponsorship and later are accorded official recognition, but it is not until that second stage that they fall within our purview.

6. The groups deal with more than one transaction and exist over a relatively long period of time.

We are not concerned here with task forces that are set up to observe or help resolve a single, discrete problem, such as the first days of school desegregation or the establishment of a girls' basketball team. Monitoring groups do, of course, deal with such problems, but they are set up to deal with a variety of

issues over a relatively long period of time--ranging from several months to an open-ended number of years. By this criterion, a problem does not define the scope and limits of a monitoring group; the group must continue to exist after a particular transaction within the school system is completed.

7. The monitoring groups address civil rights compliance only for students in elementary and secondary public schools.

By this criterion, we exclude post-secondary schools, private schools, civil rights issues which concern only teachers and staffs, monitoring groups for other institutions such as mental hospitals,[16] and so on. We focus solely on students of public, pre-college schools.

8. Finally, the civil rights issues to be monitored arise from the Fourteenth Amendment, as interpreted since Brown v. Board of Education, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973.

By this criterion, we exclude all citizen groups mandated by other federal or state legislation, such as parent advisory councils for Emergency School Aid Act programs or Title I of the Elementary and Secondary Education Act.[17] We will focus only on those committees set up to monitor the results of implementing those court cases or statutes listed above.

In sum, a monitoring group is several citizens that are mandated to observe and report on the implementation of Titles IX and VI, Section 504, and the Fourteenth Amendment, for students in public schools over a relatively long period of time.

The groups that we have examined do not always have all of the eight characteristics that strictly define a monitoring body. The monitoring groups for race desegregation are the most fully organized and most often fit all of the eight characteristics. Monitoring groups for sex equity more often begin without an official mandate, blur the line between implementation and earlier stages of the policy process, and combine observation with more direct action. They often have a less formal structure than race desegregation groups. Monitoring

groups concerned with handicapped students often begin without a mandate, combine implementation with earlier policy stages, combine observation with activism and have school staff and public officials mixed with private citizens. They are usually the least formally organized groups among the three civil rights areas. Nevertheless, in all cases, we begin with the requirement that citizen groups must have all eight characteristics to be defined as a monitoring body, and we relax that requirement only after justification in each particular case.

III. WHAT ARE THE GOALS OF CIVIL RIGHTS ACTIVITY?

To understand what monitoring itself is, we must first understand what monitors are mandated to observe -- that is, what are the civil rights goals that monitoring is supposed to foster? Only when we understand what civil rights compliance is intended to achieve, and when we understand how various civil rights goals complement or conflict with one another, can we define monitoring in a specific enough way to be useful. Thus this section identifies civil rights goals; the next defines monitoring.

Our research has identified four distinct civil rights goals: statutory, political, educational, and social. These goals need not conflict with one another, but they may. At a minimum, those who hold different goals use different benchmarks to measure success. Most importantly for our purposes, each goal would be best fostered through a different type of monitoring body. We will briefly describe each goal, and then describe how a monitoring body should be constructed to help achieve each goal.

A. Civil Rights as Statutory Compliance

Probably the most common definition of civil rights success is a judicial or statutory one. In judicial terms, the school system should comply fully with the mandate of the Constitution, judicial precedent, and previous and current court orders. In statutory terms, the school system should comply fully with federal and state laws and their regulations.

Under this definition of civil rights success, the set of issues to be addressed is relatively narrow: have the schools ended de jure or de facto dual systems? The courts should interpret and enforce the Constitution, not act as educators or reformers;

> The decisive factor [in desegregation cases] is the Constitution of the United States which protects all citizens from violation of their rights by state legislatures or other policy-making agencies of the state. The elements which are considered in making this decision are the wording of the Constitution, sometimes history, precedent in...court decisions, reason and moral law or natural law. But contrary to popular thinking, the desire of the court to engage in social engineering is not a factor.[18]

Thus, the benchmark even for deep judicial involvement in the daily operations of a school system is the question of whether such involvement is necessary to make schools comply with the Constitution. The courts claim no interest or role in the educational process except as it bears on eliminating suspect categories of students or guaranteeing Fourteenth Amendment rights.

From a statutory, as distinguished from a judicial, perspective, the argument is similar. Lawmakers and regulation writers generally have no awareness of or stake in the highly subjective and idiosyncratic concerns of local educators and parents. Instead, they seek to ensure nationwide compliance with a set of minimal standards, so that virtually no "special exceptions" violate the law. Uniformity of rules is a way to ensure that at least some civil rights are provided for all students.

Measures of compliance with civil rights statutes are usually quantitative and tangible. They involve black/white (or male/female) ratios in schools or classrooms, and among teachers and administrators. They involve physical changes to accommodate wheelchairs and people with minimal mobility. They involve spending a certain amount of money on a certain set of programs or students. In short, judicial and statutory definitions of civil rights success require readily visible indicators of compliance with specified laws and court orders.

B. Civil Rights as Political Success

For some people, civil rights success is measured according to one of two political outcomes. The first is "grass roots democracy"--an increase in the number and range of formerly powerless people who now have a say in school system decision-making.[19] Categories of such people include blacks, women, Hispanic or other minorities, parents in general, special education parents, teachers, students--or any set of people who have an interest in the actions of the school system but have previously had no power to affect those actions. The other type of political outcome--which may conflict with grass roots democracy--is an expansion of "interest group pluralism."[20] By this we mean an increase in the number and range of groups or organizations involved in certain school-related activities or decisions. Such groups may include local businesses, universities, cultural institutions, civic organizations, local chapters of minority, women's or special education interest groups, or any other entity which has an interest in the outcomes of schooling but has formerly had no involvement in the process.

The difference between the two types of political civil rights goals is itself political. The goal of "grass roots democracy" is to increase the power of formerly powerless individuals, whereas the goal of "interest group pluralism" is to increase the scope of activity of groups that already have bases of power outside the school system. Grass roots democratization implies vertical movement, from impotence to power; interest group pluralism implies horizontal movement from one realm of power to another.

A few more words may clarify each type of political civil rights goal. Those who seek grass roots democracy want to air problems and complaints that have not yet surfaced in the discussion of students' civil rights, and to give non-school persons more say in the decisions about those problems. Supporters of this goal often feel that school systems are closed, unwilling to innovate,

unaccountable to anyone, and unresponsive to the system's true clients--children and their parents. They see civil rights activity as a process of opening up the system especially to formerly deprived people. Their measures of success may or may not differ from those of people with statutory goals. They seek changes in certain decision-making processes, changes in certain personnel, changes of style and substance within some classrooms, and above all evidence that citizens have the right and the power to affect such changes without fear of reprisal or of being ignored.

Those who seek interest group pluralism are less concerned with participating in school decision-making, and more concerned about specific outcomes, however they are reached. They assume that each group will care about, and legitimately can influence, only those school activities that are within the scope of its other, nonschool activities. Thus civil rights success here would be measured by such things as the number of minority, female or handicapped students involved in work-study programs with local businesses or by the involvement of the local NAACP, NOW, or American Council for Learning Disabilities chapter in programs to aid blacks, women, or handicapped students respectively. Success might also be measured according to which schools or classrooms are involved in pairings with museums and colleges, or which extra-curricular activities are sponsored by local civic groups. Measures such as these could indicate whether the process of implementing civil rights has led to greater involvement by local groups in the schools in ways that benefit special categories of students.

C. Civil Rights as Educational Success

A third civil rights goal is a more explicitly educational one. In general terms:

> Uniform rules [e.g. court orders] presuppose that "integration" has a common meaning from place to place. That assumption confuses desegregation, the mere bringing together of blacks and whites, with the vastly more complicated enterprise of

> integration, the linking of race and basic educational purposes....[Desegregation] success or failure is not essentially a matter of numbers. Whether racial balance is achieved matters far less than the subtler and more far-reaching changes in the very nature of the education that the society makes available to its children.[21]

Although this quotation addresses only race desegregation, the same argument can, of course, be made about other civil rights--that mixing boys and girls, or handicapped and nonhandicapped students accomplishes nothing unless the children thereby learn more than they would have otherwise. In specific terms, there can be two educational goals--improving the amount and quality of educational resources available to deprived individuals, and improving the achievement levels of deprived individuals.

With regard to educational resources, a major concern of civil rights activists is to improve access to educational opportunities for particular categories of students. Compared to whites, minority children are often taught by the worst or least experienced teachers, receive the oldest and fewest textbooks and materials, attend school in the ugliest and least safe school buildings, receive the most punitive discipline and are given the fewest incentives. In short, they get inferior educations which result in markedly less opportunity to learn.[22] The desirable outcome of civil rights activity in this view is the improvement of educational resources for these victimized students. Usually that requires mixing minority with white students, to whom the school system presumably gives more care, attention, and money.

The most common analogous argument for sex equity focuses on women's athletics. Feminists point out that, although the President's Council on Physical Fitness has given more awards for excellence to girls (1,261,942) than to boys (917,944),[23] schools generally neglect girls' athletic teams and physical education courses. Schools spend less money on equipment, have less qualified or experienced coaches,restrict the range of sports.for girls and

generally give girls fewer opportunities to excel physically.[24] An educational civil rights goal would focus on equity between girls' and boys' athletic programs and physical education classes. Finally, for handicapped students, the issue lies in the often limited and inferior educations they are offered--whether in poorly supported special education programs or in regular classrooms where their special needs are ignored. The measure of success in this case would also be improved facilities, ranging from ramps for physical access to special programs and teachers, to training for regular classroom teachers on how to "mainstream" the handicapped.[25]

Sometimes this goal of equal opportunity to learn requires simply changing the composition of students in given classrooms.[26] It may, however, require the provision of new programs or the expansion of old ones. Girls must be admitted to auto mechanics classes and boys to home economics classes--even if that means that more of these classes must be offered. Too many minority students leave school with no prospects for college and no saleable skills--so vocational education and/or college preparatory programs must be offered on subjects and in locations that respond to minority needs. Too many or too few children are diagnosed as "learning disabled"--so accurate diagnostic programs are necessary, as well as programs that combine treatment with education. In short, in this view, students are in school to learn, and remedies for the deprivation of their civil rights consist of remedies for the deprivation of their chance to learn, whether through creating new programs or simply equalizing all students' access to old ones.

Some people expand this argument to claim that civil rights implementation may act as a catalyst to improve the education of all, not just deprived, children because it requires substantial changes in the services schools offer. These changes can pump new energy into schools so that old practices are

questioned and new approaches are tried--resulting in schools with innovative programs, more resources, more capacity for change, better trained and motivated staff, and an eagerness to tackle and solve a wide variety of problems. Thus aiding special categories can have the effect of aiding all students.[27]

A rather different definition of educational success for civil rights activity focuses on making sure that deprived students achieve more than they did before implementation. People with this view seek, not equal prospects in the sense of "starting line fairness," but outcomes of equal value to their holders.[28] They claim, for example, that it is not enough--or more exactly, that it is irrelevant--to balance blacks and whites in classrooms. What matters is that blacks learn more of the skills and thought processes that make one an educated person. If the only way to ensure that they will learn is by putting them in classrooms with whites, so they can take advantage of the extra resources given to white children, then racial mixing is desirable. But what matters is the quality of schooling, not the quantity of mixing. Thus some with this view make an argument very similar to that of white opponents of busing--why move children all around if they are going to end up with the same inferior education they had before? They argue that the money that would have gone to buses could be better spent on better teachers, more textbooks, better equipped buildings, and so on.

A comparable argument can be made for sex equity cases; girls are discouraged from excelling in--perhaps even taking--hard science or other "masculine" courses, and they are subtly taught that it is unfeminine to compete and dominate.[29] Thus civil rights success consists in changing the classroom atmosphere and school policies so that girls' achievement levels in high school equal or exceed their achievements in grade schools.[30] This improvement in levels of achievement may even require, in the eyes of some, that girls remain in separate classrooms or have their own schools so that they have no sex-related incentive not to complete.[31] Here is a point at which statutory and educational civil rights

goals may conflict, since Title IX would not permit single-sex classrooms, even for the sake of what some would see as educational improvements.

Finally, the analogous argument for handicapped students calls for focusing less on mainstreaming and more on making sure students achieve as much as they are able, perhaps through keeping them in special classes longer than is absolutely necessary. This proposal too would be problematic from a statutory perspective, since Section 504 calls for the least restrictive environment. But those with the goal of equal educational outcomes will define remedies for the deprivation of students' civil rights as doing what improves the quality and level of their education, even if that means maintaining their separation.

D Civil Rights as Social and Psychological Success

The fourth and final way to define civil rights success is social. This is the most complex goal, in that there are at least four definitions of social success. They are: mutual appreciation and understanding, self-esteem, enhanced opportunities, and improved community morale. Let us briefly consider each type of social or psychological success.

First, reducing racial, sexual, or physical isolation, and increasing interaction is desirable because it leads people to understand, tolerate, and even appreciate each other's differences. Contact does not, of course, automatically reduce prejudice and stereotyping, but proponents of this goal argue that "prejudice can be reduced..by bringing students together under conditions of equal status that emphasize common goals and de-emphasize individual (and intergroup) competition."[32] Supporters of a social goal argue that it is unrealistic, even undesirable, to seek "color blindness" or "sex blindness" in interactions among students; after all, people often select friends according to similarities in background, interests, and outlooks which vary more across races than within them. And who espouses a society in which people are unaware of sex differences?

But, say proponents of social goals, we can seek a society in which people respect and appreciate differences when they are relevant and ignore them when they are not. Civil rights success in this view is measured by the amount of cross-group cooperation among workmates and playmates. It may also entail a curriculum that emphasizes "uniqueness" as much as the "melting pot," and a teacher who is sensitive to cues about when to ignore or focus on differences.

Second, success may be defined as improving the self-esteem, achievement motivation or self-confidence of children formerly discriminated against. The most famous expression of this concern is Chief Justice Earl Warren's comment in Brown v. Board of Education of Topeka:

> To separate [children] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.[34]

An analogous argument, of course, can be made for discrimination by sex or handicap. Success in overcoming the deleterious effects of discrimination will be achieved through decreasing teacher bias against and increasing teacher expectations forminority students, reducing prestige rankings of different tracks or eliminating tracking altogether, and using classroom and extracurricular activiti to build students' confidence.[35] In addition, teachers themselves, guests to the school, and classroom study of historical personages and accomplishments can all provide role models to help improve the self-image of disadvantaged children.

Third, success may be defined as enhancing the opportunities of disadvantaged students to obtain better college educations, jobs, and statuses than they would have without the civil rights activity.[36] Contact with people with attributes defined as more socially desirable--whether they are white, male or without handicaps--can yield several benefits to the disadvantaged.

First, access to college or jobs often comes about because of access to information about their existence, accessibility, and desirability. This kind of information is especially likely to come from friends and associates. Second, and conversely, people often admit students or hire workers based on personal information about them. Developing contacts and networks between advantaged and disadvantaged students may, in the long run, enhance the opportunities of the latter.[37] Third, by interacting with advantaged peers, disadvantaged students can develop the social skills and self-confidence necessary to be effective in later interactions with professors and bosses, who are disportionately likely to be white, male, and without handicaps. In short, this "networking" version of the social goal seeks to duplicate and compete with the Ivy League's "old boy network" which putatively runs the political, business, and academic worlds.

These three versions of the social goal of civil rights implementation all focus on the students themselves. The final social goal focuses on the adult members of the community. In this view, the schools should be a symbol and spearhead of community spirit and closeness. Ending civil rights violations in schools may be the best way to end long-standing splits and animosities, pull the town together in a constructive project, and increase the local talents and resources from which the schools can draw. Desegregating the schools can galvanize people into meeting others from different cultural and geographical enclaves. Said one former teacher in Memphis, for example, "Integration is our highest necessity; we've got to have it..., There's no real community. The people fighting busing define community as that area served by their branch bank."[38]

In summary then, "civil rights success" may be defined as any one, or some combination, of four different goals-- statutory, political, educational, or social,

The goals do not necessarily conflict, but they do imply different measures of success, and different priorities and strategies for achieving that success. Each goal also implies a different type of monitoring body to aid in its achievement. We turn now to a general definition of monitoring, and specific models of monitoring bodies best suited to pursue each goal.

IV. WHAT IS MONITORING?

A. General Definition of Monitoring

Because of the wide diversity of groups that claim to be "monitoring," because citizen monitoring is at such an early stage of development, and because so little has been written about monitoring groups, we do not offer a rigid definition of monitoring. The activity must include observation and evaluation of the actions of another body as it works to implement a given public policy such as a law or court order. Its purpose must include the goal of directly or indirectly controlling the actions of the body being monitored. Control here is defined as constraint or shaping; monitoring is one tool for getting schools to behave in ways that they might not otherwise have done.

Beyond this general definition, we offer four more specific types of monitoring that correspond to the four civil rights goals discussed above. Just as the four goals are described as sharply different from one another in order to highlight their distinctive features, so too are the four types of monitoring sharply distinguished from one another for descriptive purposes. And just as the four civil rights goals may sometimes be compatible with one another and other times be in conflict, so the four types of monitoring may sometimes complement each other and sometimes conflict.

B. Outlines for Models of Monitoring Bodies

Each type of monitoring body has distinctive features. They are all

described in the same format for ease of comparison. That format is a chart which identifies the type of body, describes its likely sponsor, mandate and responsibilities, authority, structure, membership, resources such as staff and funding, meeting and report procedures, outputs, and desirable strategies.

The case studies in later sections also use the same chart, also for ease of comparison. However, they add a few elements to the charts to identify the date of establishment, term of existence, sponsor's civil rights goal, and more specific responsibilities. Each case study also provides information on the history of the issue, the economic, demographic, and political circumstances of that school district, other resources and strategies of the group, and the effectiveness of the group.

C. Monitoring Statutory Goals

Civil rights cases involve public law litigation, which is unlike traditional litigation in its party structure, the nature of the dispute, the form of remedy, and the role of the court. The traditional lawsuit has two unitary, opposed parties, is about a retrospective controversy.usually addresses private concerns, determines the remedy more or less directly from the finding of right, is a self-contained episode, and is initiated and controlled by the concerned parties. Public law litigation, however, involves disputes between public agencies over statutory or even Constitutional policies. As a result:

> The party structure is sprawling and amorphous, subject to change over the course of the litigation. The traditional adversary relationship is suffused and intermixed with negotiating and mediating processes at every point. The judge is the dominant figure in organizing and guiding the case and he draws for support not only on the parties and their counsel, but on a wide range of outsiders--masters, experts, and oversight personnel. Most important, the trial judge has increasingly become the creator and manager of complex forms of ongoing relief, which have widespread effects on persons not before the court and require the judge's continuing involvement in administration and implementation.[39]

In short, judges are now structuring, overseeing, evaluating, and even managing a bureaucracy -- which presents them with enormous difficulties.

Courts have always had notorious difficulty in enforcing their edicts--indeed they cannot do so--but at least historically they could tell how to implement their remedy, whether it was being implemented, and who was to blame for any dereliction. Now they cannot. The new kind of party, bureaucracies, have characteristics that make them peculiarly difficult to evaluate and direct. It is hard to tell who within the institution can be held accountable for certain of its acts. Responsibility is diffuse; outcomes are results of separate discrete decisions and actions and may bear little resemblance to anyone's intention; people with apparent authority may have little real control. Furthermore, institutions and their component parts respond to a wide variety of incentives and pressures and the interactions among all of these factors are immensely complicated. Finally, people within the organization do not always know what others are doing, and it is extraordinarily difficult for an outsider to acquire knowledge from a hostile bureaucracy.[40] In sum, institutions such as schools have a bewildering number of facets which interact in often unpredictable, counterintuitive--or at least extremely convoluted--ways.

Obviously, a judge can neither fully unravel past cause and effect, nor isolate those elements of the bureaucracy that, if changed, will produce outcomes he seeks. Perhaps no one can do these things, but even the attempt to devise and implement a remedy requires more sustained attention than a judge can give. So he or she turns to a monitoring commission or special master for help in determining and managing complex forms of ongoing relief.

The same problems arise for an agency trying to implement a federal law. e issues are highly complex. National and regional staffers cannot properly nderstand and weigh local idiosyncracies, or properly evaluate different perspectives and recommendations of local actors, or quickly resolve unanticipated problems. As described above, the school bureaucracy, even when it is acting in

good faith, is extraordinarily difficult to change. Thus a regulatory agency cannot fully oversee the implementation of a civil rights plan from afar--it needs a local body to feed it information about the degree and nature of compliance with its rules. Even more starkly, OCR and state agencies usually do not have the personnel to do any monitoring at all-- no matter how insufficient -- of some negotiated plans for compliance with civil rights laws. Citizen monitoring groups in this case are no longer an <u>improvement</u> in oversight -- they are the <u>only</u> oversight

Thus, we would expect a statutory monitoring group to appear in a school district where a court case has devised a remedy for school system malfeasance, or where a regulatory agency has chosen to enforce a civil rights law. We do not expect any particular economic or demographic configuration of a school system to be associated with a court case or regulatory review. We would expect there to be a long history of litigation or controversy over the law, so the social and political climate is likely to be adversarial, or at least tense.

The type of monitoring body that seems best suited to determining compliance with a court order or law is described in table 1. In brief, it should be a highly professional body which is dedicated to objective, systematic, quantitative data-gathering and reporting, and which limits its interpretations and recommendations to those comments which will aid in achieving compliance. It is, as so many people told us, "the eyes and ears of the court " (or the agency.)

TABLE 1

Model of a Statutory Monitoring Body

SPONSOR:	Judge, OCR, state civil rights agency
MANDATE:	Provide systematic, objective information to sponsor about compliance with court order or statute
	Determine individuals or institutional processes that stand in the way of compliance and recommend ways to alleviate that problem
	Legitimize and depersonalize court order or law in eyes of community and implementors
	Make it clear to schools and community that compliance is inevitable, necessary, and possible
AUTHORITY:	Access to school data on students, faculty, and staff
	Access to sponsor and authorization to use his leverage when necessary
	Possible authority to speak for sponsor on reasons for and elements of compliance
STRUCTURE:	Sub-committees determined by issue areas
	Single spokesperson with authority over whole monitoring body
	Relatively formal organization
MEMBERSHIP:	Experts on policy implementation and evaluation, not necessarily experts on education or the particular community
	Not necessarily representative of sexual, racial, or handicapped groups
	Not necessarily powerful or well-known members of the community
	Some members must have standing in community to legitimize order or law to community and implementors
	Need familiarity with court system and litigation, or with agency and law

TABLE 1

Model of a Statutory Monitoring Body (continued)

RESOURCES --	
STAFF:	Large, especially legal and analytic experts
	Strong executive director
	Objective and trained monitors
FUNDING:	Substantial -- need staff salaries, computer funds, large amounts of materials and supplies, training and perhaps reimbursement for school monitors
	Complete independence from funder
LEADERSHIP:	Strong executive and analytic skills
	Public spokesperson (not necessarily same person)
MEETINGS:	When necessary to direct, respond to staff
	Closed to public
REPORTING PROCEDURES:	Regular reports to sponsor Dispersion to school, media, community etc. at sponsor's discretion
OUTPUTS:	Regular reports with systematic analysis of specific topics Printed explanations to community and implementors of requirements for compliance
STRATEGIES:	1) A stance as objective, uninvolved observers of the school system
	2) A minimum of expression of personal opinion and ideology, and a limit on recommendations, to the extent desired by the sponsor

TABLE 1

Model of a Statutory Monitoring Body (continued)

3) A high degree of autonomy for the staff, especially in gathering and analyzing the data, and a strong staff director

4) A single public spokesperson, who provides only as much publicity as is necessary to legitimize the order or law to the public

5) Information gathering that is system-wide, verifiable, not focussed on individual problems, and chosen in accordance with components of the court order or law

6) A perception among members and staff that they are all the staff of the sponsor, and that their role is to evaluate compliance with the plan, not the merits of the plan itself

7) Formal presentation, preferably in writing,to the community of facts about the litigation or law and actions needed to comply

D. Monitoring Political Goals

Monitoring bodies can shape the political configuration of a school system with regard to civil rights issues. In this view, the court order or statute is less an end in itself than an action-forcing tool for changing elements of the school system, and monitoring is directed toward this end. Thus for a grass-roots view of political change, a monitoring group can be an "organized vehicle that enables them [parents] to become directly involved in the schools and with the school system to an unprecendented degree. The citizen participation groups give an organized, effective voice in education to black, white and other minority persons." The monitoring group is the vehicle for breaking down old barriers between schools and parents, for opening up a closed and rigid system, and for calling the schools to account for the way they have treated formerly deprived students. Thus members of a grass-roots group will expect "to question and challenge" school actions, even though their activities are "bound to bring problems to the surface" and increase tension. Their challenge is justified because bringing information out of, and participants into, the schools will eventually "stimulate and nurture positive relations among parents, teachers, students, principals, and headmasters so they work to create and meet challenges to improve education." [41]

Alternatively, monitoring bodies can provide a forum for previously uninvolved groups to become involved with the schools. The monitoring body can help to channel money, expertise, and volunteer enthusiasm into the schools, and a greater say over aspects of school activities out of the schools. In particular, it can give racial, ethnic, or sexual minorities a way to move into the mainstream of school and community power. One goal of school desegregation, for example, may be to permit blacks to attain control over their children's education by increasing the number of black administrators and

teachers. A further goal may be to use the school system as a starting point for moving into other arenas of power. A monitoring group can help to achieve such a goal by providing a platform for minority spokespersons, by overseeing the hiring and transfer policies for teachers and staff, by channeling relevant information to people who need to know it, and by developing programs that involve students, faculty, staff, and minority leaders outside the schools.

The type of monitoring body best suited to political definitions of civil rights success is described in Table 2. In brief, the grass-roots body seeks change by working to gather information and promote reforms. The interest-group body acts mostly as a conduit between the schools and community organizations.

One would expect politically oriented monitoring groups to appear in relatively large industrial, urban school districts that have a long history of adversarial relations among the relevant groups. We make this observation because the political definition of civil rights success may be the least obvious goal, and the idea that a monitoring body can be used to achieve power may require a considerable degree of political sophistication. Furthermore, radical activists may be a more common phenomenon in large cities than in small towns or rural districts. We suggest also that politically oriented monitoring groups are most likely to appear in race and ethnicity-related cases, then in sex equity cases; they seem unlikely to occur in handicapped-related cases. Our reasoning here is similar; the degree of political sophistication and anger (for grass-roots bodies) or concern (for interest-group bodies) necessary for this kind of monitoring to become predominant

likely to occur only with long-standing and intensely disputed issues.

id to the handicapped and even sex equity issues simply do not build up the head of steam that race desegregation issues do, and so the former concerns are less likely to become politicized than the latter.

TABLE 2

Model of Political Monitoring Body

Interest Group Model

SPONSOR:	Local community organizations, civic leaders, institutions in conjunction with court, school system, or agency
MANDATE:	Should be flexible
	Provide information on civil rights aspects of school programs and policies to community
	Provide forum for community to express concerns, become involved in civil rights implementation
	Establish programs that bring group resources into school system
	Establish channels for groups to influence relevant school policies and programs
	Provide forum for expression of claims and complaints by disadvantaged groups
	Establish contacts between school administration and group leaders
AUTHORITY:	Access to school documents and officials relevant to that group's arena of action
	Authority to set up and implement programs in conjunction with schools
STRUCTURE:	No single spokesperson
	Largely autonomous subcommittees, organized according to interest group and/or program area
	Informal structure

TABLE 2 (continued)

Model of Political Monitoring Body

Interest Group Model

MEMBERSHIP:	Residents of community
	No particular expertise, except wide contacts in community, organizational skills, and high credibility in school system
	High-level representatives of local organizations, interest groups
	Not necessarily all strong advocates of civil rights goals
	No particular proportion of disadvantaged groups
RESOURCES -- STAFF:	Relatively small, purely administrative
FUNDING:	If necessary to set up programs
	Try to raise funds from individual donations, private foundations, federal and state grants
LEADERSHIP:	No dominant leader; each member should be powerful leader in own arena
	Chair should be facilitator, above all
	Also should control and have access to external resources (eg. expertise, money, volunteer labor, training and jobs for students) that schools need
MEETINGS:	Open, often, in various locations around town
REPORTING PROCEDURES:	Non-technical information on activities to schools, media, community
	Make recommendations

TABLE 2 (continued)

Model of Political Monitoring Body

Interest Group Model

OUTPUTS:

New programs

New resources into schools

Advice to schools

STRATEGIES:

1) Informal, cooperative, friendly relations with school administrators

2) Combinations of monitoring with recommendations and activism

3) More interest in substantive policies and programs than in decision-making

4) Pluralism and equal relations among committee members

5) Selective efforts to involve the community, and responsiveness to selective elements of the community; good two-way communications with community leaders

6) A perception of independence from the sponsor among members

7) In some cases, an effort to use the monitoring body as a step toward further public office

8) Cultivation of favorable media coverage of programs

Grass-Roots Model

SPONSOR:

Local community organizations seeking change, local political movements, parents' groups

MANDATE:

Should be flexible

Provide information on civil rights requirements for school programs and policies to community

Substantiate and publicize problems in civil rights implementation

Develop mechanisms for previously uninvolved citizens to become involved in hiring, transfers, promotions of teachers and staff, and in atmosphere and substance in classrooms

Provide credible threat to school system in case of intimidation or refusal to address citizen claims

Provide forum for citizens to bring complaints, develop networks

Seek redress of citizen complaints

AUTHORITY:

Attend meetings of school board and civil rights-related staff

Access to intra-school system communications

Sponsor or committee ability to prevent reprisals against members or constitutents

Obtain information on representation of disadvantaged groups in school decision-making organs

STRUCTURE:

No single spokesperson; no dominant leader

Largely autonomous subcommittees

Informal structure
Subcommittees by geographic area and/or by members' concerns

Grass-Roots Model (continued)

MEMBERSHIP:	Residents of community
	No particular expertise, except wide connections in community
	Representatives of previously disadvantaged groups, including students and leaders
	Activists, strong supporters of civil rights goals
	Ratio of groups represented even or in proportion to their numbers in the school system
RESOURCES — STAFF:	Small, primarily administrative
FUNDING:	Little; to reimburse poor participants, disseminate information, facilitate meetings
	Preference for private funding, with complete independence from funders and no obligations to school system
LEADERSHIP:	Strong political and ideological spokesperson
	Good facilitator of intra-group differences
MMETINGS:	Open, often, in various locations around town
REPORTING PROCEDURES:	Nontechnical information to media and community of activities
	Seek to reach normally uninvolved citizens
OUTPUTS:	Institutionalization of citizen involvement in school decisions
STRATEGIES:	1) Frequent adversarial or confrontational relations with school administrators
	2) Mutual support with some teachers and low-level staff

3) Efforts to combine highly qualitative monitoring with activism

4) Pluralism and equal relations among committee members

5) Open meetings that solicit community involvement

6) Efforts to determine and redress individual grievances of community members, rather than to do systematic analyses

7) Strong efforts to have good two-way communications with community

8) A perception among members that they are independent of their sponsor

9) Strong advocacy of civil rights goals with strong recommendations for implementation

10) Efforts to obtain and retain participation in school decisions

E. Monitoring Educational Goals

Sometimes monitoring bodies are used to shape the education of students insofar as civil rights mandates touch upon educational questions. Such groups may focus on equalizing either opportunities or results, but for either variant, a crucial function of the monitoring group is ensuring that civil rights efforts do not backfire and actually retard learning. More positively, one can argue that the job of civil rights implementors "is not to devise a system of pains and penalties to punish constitutional violations brought to light. Rather it is to desegregate an educational system in which the races have been kept apart, without, at the same time, losing sight of the central educational function of the schools."[43] Thus monitoring bodies should work to provide a better education to formerly deprived children--which may occassionally require adherence to the spirit rather than the letter of a court order or agency regulations. Those who focus on opportunities want a monitoring body to act as an extension of the professional educational system, minus the rigidities and inflexibility that any large and old institution inevitably develops. The monitoring group should help to keep angry parents and transient do-gooders at arms length from the schools so that the educational process, which began before and will continue after the civil rights focus, can persist with minimal disruption. It should work for the benefit of disadvantaged children, primarily by helping to integrate them with advantaged children and to steer them into new programs, but it should not neglect the effects of change on all children.

Those who focus on improving the achievements of disadvantaged students want a monitoring body to be much more forceful in its relations with the school system. The body should, in this view, focus only on the schools' efforts to compensate previously disadvantaged children for their past harms. Even if compensation entails some harm to previously advantaged students, or if it entails keeping the groups separate,[44] that is acceptable. Undesirable side

effects may be an inevitable accompaniment to ensuring that all students receive as good an education as all other students.

Table 3 describes the two variants of an educationally-oriented monitoring body. The first focuses on equal opportunities -- it oversees the process of giving formerly deprived students a chance to learn as much as they are able. The second focuses on equal results -- its oversees the process of giving formerly deprived students enough extra resources so that they achieve as much as privileged students.

There are no obvious demographic characteristics of a school system which seem most appropriate to an educationally-oriented monitoring group. The first variant seems most likely to occur in a system which does not have a long history of litigation or agency oversight, in which tensions and ingrained controversies are not great. Therefore, it will appear in the early stages of a race desegregation case, or in sex equity and (especially) handicapped cases. It also will occur in a relatively wealthy district where the deprivation has not been great, and the resources for new programs are quickly available. The second variant is most likely to occur in a system with a long history of litigation or oversight, in which change occurs slowly and tensions are high. It will occur in the later stages of a race desegregation case, or in sex equity cases; it is unlikely to appear in handicapped cases. It can also be expected in a relatively poor district, in which some students have been severely deprived and in which ameliorating resources are scarce.

TABLE 3

Model of an Educational Monitoring Body

Equal Opportunities Model

SPONSOR:	School system, in conjunction with court or agency
MANDATE:	Clear boundaries and authorities
	Oversee improvement of educational offerings for formerly deprived students by monitoring assignment of students, teachers, resources, monitoring new programs and policies and analyzing results
	Help to minimize disruption of school functions attendent upon implementation of civil rights programs and policies by
	.establishing procedures for complaint filing and resolution .providing buffer between schools and educationally dysfunctional citizen protest .intervening with court or agency to suggest modifications of civil rights mandate inappropriate to that system
AUTHORITY:	Access to school administration, especially at high levels
	Access to data on students, teachers, and staff
	Access to sponsor
STRUCTURE:	Relatively informal
	Subcommittees by grade level, special programs
MEMBERSHIP:	Local residents predominate -- well-respected but not necessarily well-known
	Predominantly educators
	Some representation of deprived groups, but no necessary ratio or number

TABLE 3 (continued)

Model of an Educational Monitoring Body

Equal Opportunities Model

RESOURCES -- STAFF:	Small, mostly educators and data analysts
FUNDING:	Low -- for administrative purposes, some data analysis. Could come from school system
LEADERSHIP:	Need strong organizing skills, good public presence, credibility among educators
MEETINGS:	When needed, open but not widely advertised
REPORTING PROCEDURES:	Reports to sponsor and school district as needed
OUTPUTS:	Reports on student participation in new and old programs Institutionalized procedures for redressing student grievances and alleviating dysfunctionally rigid rules
STRATEGIES:	1) Cooperation and close communication with school officials at all levels, but especially in top administration 2) Objective data-gathering combined with recommendation but not necessarily activism 3) Open but not extensively publicized meetings and reports; open communication channels with all segments of community

TABLE 3 (continued)

Model of an Educational Monitoring Body

Equal Opportunities Model

4) A combination of system-wide observation on some issues with ad hoc individual problem-solving on others

5) Independence from the sponsor but an attempt to work closely with him

6) A focus on integration of deprived and privileged students

Equal Achievement Model

SPONSOR:	Parents, members of deprived groups, local groups, plaintiffs (possibly in conjunction with court or agency)
MANDATE:	Strong, fairly flexible
	Evaluate changes in achievement levels for disadvantaged students
	Induce schools to compensate students enough to make up for past deprivations
	Help to modify aspects of court order or statute that impede achievement of deprived students, even if that entails maintaining separation of deprived and privileged students
	Establish procedures for complaint filing and resolution
	Monitor, substantiate and publicize differences in treatment among groups of students
AUTHORITY:	Access to data on placement, achievement etc.
	Access to information on how programs and policies determined
STRUCTURE:	Subcommittees by grade level, special programs
	Informal
	Volunteer monitors not necessarily part of committee
MEMBERSHIP:	Local residents, with credibility in community even if not well-known
	Predominantly members of deprived groups
	Some educators

Equal Achievement Model (continued)

RESOURCES--

STAFF: Small, for administrative purposes and to oversee volunteer monitors

FUNDING: Fairly low -- to train and compensate monitors, do some data analysis, compensate members if necessary

LEADERSHIP: Need strong political skills, ability to be ideological spokesperson
Member of formerly disadvantaged group

Educational credibility desirable

MEETINGS: When needed, open and widely advertised

REPORTING PROCEDURES: Reports to sponsor, school district, parents, and community as needed

OUTPUTS: Reports on changes in students achievement

Institutionalized procedures for compensation to deprived students as long as necessary

STRATEGIES:

1) Confrontational or adversarial relations with the school system

2) Investigation of specific complaints or problems, and a focus on deprived students rather than systemic analysis

3) Investigation of issues not specifically related to civil rights issues if they affect student achievement

4) Efforts to generate media coverage and community involvement, especially by parents and deprived groups

5) Control held by public members rather than staff

6) Efforts to become involved in the implementation process as well as to make recommendations

7) Considerate monitoring within schools and classrooms of daily activities

F. Monitoring Social Goals

Finally, monitoring bodies can be devised to help achieve the social civil rights goals of tolerance and appreciation of differences, increased self-esteem of formerly deprived groups, increased opportunities for those groups, and improved community relations. In this context, an important function of the monitoring body is to act out in a microcosm what it hopes to foster across the school district — that is, achieving good social relations within the monitoring group itself is an important part of its role. It should also try to enhance relations among constituent groups, protect formerly deprived children's physical safety and psychological well-being, and help to defuse hostilities within the schools and across the community.

The ideal-typical monitoring body for social goals is described in Table 4. In short, it should bring as many people of different groups together as possible, provide as comfortable and mutually respectful an atmosphere as possible, be particularly sensitive to special needs of the deprived, and try to make sure that the schools are doing the same. It is, or could be, a socially conscious and highly observant PTA.

This type of monitoring group is likely to occur either in districts with little tension and hostility among groups, or in districts with a long history of great tension and hostility. It is probably more appropriate to small rather than to large districts, and is more likely to occur in economically homogeneous communities.

TABLE 4

Model of a Social Monitoring Body

SPONSOR:	Community organizations and institutions, civic leaders, interest groups
MANDATE:	Flexible, broad
	Monitor in-class and extracurricular activities, resegregation, push-outs and drop-outs, guidance counseling, discipline
	Sponsor activities to bring different groups together, such as workshops and social gatherings
	Sponsor activites to provide role models, contacts, favorable images to deprived groups
	Receive and investigate complaints by deprived groups of discriminatory hostility or isolation
	Generate support for school system in community
AUTHORITY:	Monitor within classrooms
	Promote or perhaps induce activities and programs in school
STRUCTURE:	All subcommittees balanced among relevant groups
	Subcommittees by activity or program area
MEMBERSHIP:	Approximately equal representation of all relevant groups, all political viewpoints
	Residents of community
	No particular expertise, but widespread connections and community respect desirable
	Relatively large group

TABLE 4 (continued)

Model of a Social Monitoring Body

RESOURCES -- STAFF:	Relatively small, for administrative purposes
FUNDING:	Moderate -- support for activities, reimburse participants, publicity for actions
LEADERSHIP:	No single spokesperson; leader mainly facilitator with widespread public respect Co-chairs of different groups for each subcommittee
MEETINGS:	Often, open, around town, in various forums
REPORTING PROCEDURES:	Regular newsletter, disseminated widely Perhaps television, radio shows, etc.
OUTPUTS:	Community activities Reports on school and classroom atmosphere References for students on jobs, educational opportunities, cultural events, etc. Pairings of cultural, educational, civic groups with schools or classrooms for special programs, job training etc. Programs in schools presenting historical, current accomplishments of members of deprived groups
STRATEGIES:	1) Working closely with all levels of the school system, avoiding adversarial relations in most cases 2) A willingness to be more confrontational on issues which affect the safety or status of formerly deprived students 3) Mixing observation with making recommendations, devising remedies, and helping to implement them

TABLE 4 (continued)

Model of a Social Monitoring Body

4) Pluralism within the committee, with cooperation among different groups within the committee

5) Efforts to achieve wide and favorable media coverage

6) Open meetings, reports etc., which solicit community involvement; efforts to promote considerable involvement by all groups in community

7) A focus on school-by-school observation, responding to problems as they arise

8) Some system-wide monitoring of special programs, treatment of formerly disadvantaged students

9) Highly informal procedures .

10) Independence from the sponsor

11) Commitment to good community relations more than strong advocacy of a particular civil rights goal

G. Conflict and Failure in Monitoring

In order to evaluate the nature and degree of effectiveness among monitoring groups, we must distinguish between inevitable, useful forms of conflict and unnecessary, destructive forms. Monitoring bodies are set up in order directly or indirectly to help to control the actions of school systems as they implement civil rights requirements. Even groups whose mandate is only to gather and report information are implicitly part of a strategy to constrain and shape school actions: if they had no such role, no policy-maker would bother to set them up (assuming, that is, good faith on the part of the policy-maker; see our second recommendation.) Thus some conflict between the school system and the monitoring body is inevitable and probably useful. If there were none, the monitors would be either superfluous or co-opted. The amount of useful conflict will vary with the civil rights issue, community resources and sentiments, personalities of the actors, ability of the school system to change, and so on. Too much or the wrong kind of conflict can be disastrous, but some is simply an indication that the monitoring body and its sponsor are doing their job.

A different kind of conflict is also likely, although not desirable, within the monitoring body. Because the group is primarily observing, and perhaps facilitating, it is not primarily acting directly to achieve civil rights mandates. Some members may feel that the rather limited and passive role of a monitoring group is too narrow, that the group should act on the information it gathers, or use its resources to help the school system or citizen activists directly. Perhaps it should so act -- but then it is no longer only a monitoring group. Thus conflict will arise both because the monitoring group is fostering change, and because it is not creating change itself.

Other forms of conflict are perhaps likely but even less useful to the

greatest danger is that it will come to support, or be perceived as supporting, continued segregation between advantaged and deprived groups, and that it will blame the school system for circumstances and results that are due to more general economic and political inequities.

4) With regard to social goals, the greatest danger is that social relations within the committee, or friendly but superficial monitoring and programs within the schools, will blunt the edge of the committee's mandate to protect and boost formerly deprived students. The committee may be unable both to criticize discriminatory treatment and to encourage cooperation and respect, and it may drop the former task in favor of the much more enjoyable latter task.

To summarize this section; there are four models of monitoring bodies to help achieve the four major goals of civil rights implementation. The statutory monitoring body seeks justice. It should concentrate on accurate, systematic, objective data-gathering about compliance with the letter of the court order or law. The political monitoring body seeks participation. It should provide a forum for formerly powerless individuals or formerly uninvolved groups to learn about the actions of the school system and become involved in relevant decisions, policies or programs. The educational monitoring body seeks learning. It should make sure that formerly deprived students are now getting a fair share of educational resources and that their special needs are being met, even if the letter of the law must be modified to fit local circumstances. The social monitoring body seeks fellowship. It should provide a forum for different groups to come together, to develop contacts and mutual appreciation, and to help enhance the self-image and opportunities of formerly deprived students. Each group needs a different structure and different set of resources, and should use different strategies to carry out its mandate.

V. RESEARCH DESIGN AND MODES OF ANALYSIS

In this section, we describe how our research sites were chosen, how our interview subjects were chosen, how our topics for conversation were chosen,

monitoring group or the civil rights implementation process. These forms of conflict, if severe enough, will lead the group to fail in its task. Types of failure that are general to all four models of monitoring include:

1) no clear sense of the civil rights goal, or of the committee's mandate to help achieve that goal;

2) disagreement among sponsors, between sponsor(s) and committee, or within the committee about the civil rights goal and monitoring body role;

3) having an inappropriate structure, wrong or insufficient resources, or incorrect strategies to carry out its mandate;

4) having an environment that is too hostile to permit much civil rights implementation at all;

5) having a sponsor that is unwilling or unable to act on the committee's findings, so that its observations and activities can be ignored with impunity.

6) achieving symbolic success -- e.g. publishing reports, changing the racial or sexual composition of certain committees, holding forums -- which takes the place of real change.

Other types of failure are especially likely for particular models of monitoring. For example:

1) With regard to statutory goals, the greatest danger is that the committee loses its sense of being an objective, impartial, reliable observer and becomes caught up in adversarial relations with the school system -- or that the school system perceives it as an enemy rather than an uninvolved observer.

2) With regard to political goals, the greatest danger for a grass roots committee is that it will become totally engrossed in its battles with the school system and both sides will harden into implacable enemies. For an interest group committee, the danger is that it will become preoccupied with internal political contests or with political jockeying between particular members and corresponding elements of the school system. In short the danger here is that members of the committee will be, or at least be perceived as, more interested in their own political goals and careers than in the civil rights issue per se.

3) With regard to educational goals, the greatest danger of an opportunity-oriented group is that it will be co-opted by the school system, so that it becomes an apologist for schools that cannot or will not change to meet civil rights goals. If many committee members are themselves educators, and if they come from the school system that they are monitoring, it may be very difficult for them to maintain pressure on the system to change while working for that system. For an achievement-oriented group, the

and how we evaluated the effectiveness of monitoring groups from the information we gathered. Since there are more monitoring bodies for race desegregation, since they are more formally and deliberately organized, and since they have a longer history involving more persons and issues, we examined them more extensively and intensively than groups monitoring sex equity and the handicapped. For that reason, we will describe methods for analyzing race desegregation groups separately from sex and handicap-related groups.

A. Selection of Race Desegregation Monitoring Groups

We first compiled descriptions of citizen groups involved in planning, implementing, and monitoring race desegregation in 28 school districts since the late 1960's. Second, we compiled a chart describing 19 relevant characteristics of 33 cities with citizen monitoring or advisory groups.[46] Of course, this was an unworkably long set of criteria; its main purpose was to give us clear and precise bases upon which to compare various cities. We then reduced our list of possible criteria to the following, listed in order of importance:

-range and scope of activity of the monitoring group;

-apparent goals and sponsors of the monitoring group;

-the scope of change required for civil rights implementation; and

-geographic location, degree of urbanization, and size of the student body.

We conducted preliminary site visits in five cities,[47] and full site visits in eleven others.[48] We will describe seven of those school systems in Section VI.

B. Selection of Race Desegregation Interview Subjects

In each of the eleven school districts, we interviewed between eight and twenty people, for approximately one hour each. We chose respondents according to their occupation and reputation as informed and influential participants or spectators in the civil rights process. In each school district we spoke with most of the following: the school superintendent and/or administrators

responsible for civil rights compliance; members, former members, and staff of the monitoring body; persons involved as parties in the judicial proceedings; the judge; attorneys for the plaintiffs and defendants, members of other organizations involved in desegregating the schools such as clergy, civic leaders, business leaders; teachers, parents and students; representatives from CRS and/or OCR; education journalists; and academic or other observers of the issue. No one refused to be interviewed if they were available on the days we were in their area.

C. The Interview Schedule for Race Desegregation

The interview schedule appears in Appendix I. It was designed to investigate the following main topics: the respondent's role in the process; his or her civil rights goal and preferred role for the monitoring body; his or her perception of others' goals and monitoring body mandate; the respondent's understanding of the resources, strategies, structure, and daily operation of the monitoring body; evidence and explanation of success and failure of the monitoring body; evidence and explanation of the effect of the monitoring body on civil rights implementation; importance of the type of sponsor and power and commitment of the sponsor; and recommendations for other bodies monitoring race, sex, and handicapped civil rights implementation.

D. Selection of Sex Equity and Handicap-Related Monitoring Groups

We wrote over 200 letters for each issue to relevant interest groups, local, state and federal officials, and other potential sources for information on possible monitoring of sex equity and handicapped concerns. These groups included local and state chapters of NOW, PEER, WEAL, Sex Desegregation Assistance Centers, the Math-Science Network, Association for Retarded Citizens, American Coalition of Citizens with Disabilities, and Children's Defense Fund. From the responses and further correspondence, we compiled a

list of over 150 groups and individuals whom we then contacted by phone. Finally, we chose eight sex equity groups,[49] some in single school districts and some extending across states or regions, according to the following criteria:

-range and scope of the monitoring activity;

-geographic location, degree of urbanization and size of the student body; and

-variations in the structure and sponsors (and presumably resources and strategies) of the groups.

In selecting groups dealing with the handicapped, it was more a question of finding any that were doing significant monitoring than of selecting a few from a large universe of possibilities. Where there was a choice, we used the same criteria as we used for sex equity. We interviewed members of seven handicapped-related groups,[50] whose focus ranged from a single district to a state or region of the United States.

E. Selection of Sex Equity and Handicap-Related Interview Subjects

For each of these fifteen groups, we interviewed from two to eleven people, for approximately one hour each. We chose respondents according to their occupation and reputation as informed and influential participants. In each school district we spoke with most of the following: school staff and teachers involved in the monitoring process, members of the monitoring group, and members of other concerned organizations. In some cases those organizations were direct sponsors of the monitoring group; in other cases they had informal connections. We also spoke with state officials and members of national or regional interest groups who were monitoring schools themselves or closely involved with the district-level groups.

F. The Interview Schedule for Sex Equity and Handicap -Related Issues

We modified the interview schedule that appears in Appendix I to make it appropriate to the different circumstances of sexual and physical civil rights monitoring. For example, virtually none of these cases stemmed from litigation

or a court order, so most references to prior court actions were dropped. More of these had state, regional, or even national ties, so we added questions about relations among the various chapters or local groups, and between local and central organizations. Nevertheless, the main topics of investigation described in Section V. C remained the same. The changed questions are in App. II.

G. Criteria of Effectiveness for Evaluating Monitoring Groups

It is notoriously difficult to determine exactly what action caused what effect whenever one is dealing with human beings; with the qualitative, nonexperimental evidence we have here a strict determination of cause and effect is impossible. Instead, we have devised three criteria of effectiveness for evaluating the impact of monitoring. They are:

1. Did the monitoring body achieve its own goals; was it effective in achieving a goal that it saw as important? Each committee has one or more of the four civil rights goals described above, and each goal has an appropriate set of committee outputs associated with it. Did a statutory body, for example, turn out the number and caliber of reports it thought necessary?

This is the easiest type of effectiveness to determine; one can simply ask members what their goals were and compare these goals to their outputs. It is also the least stringent standard. The problem with it is that achieving this form of effectiveness may have no impact on the civil rights implementation process.

2. Did the monitoring body achieve the goals defined for it by its sponsor; was it effective in the sense that it did what it was set up to do? Each sponsor of a monitoring group has one or more of the four civil rights goals described above, and each sponsor has at least a vague notion of how the monitoring committee can help to further it. The question then is, if a sponsor defines civil rights success politically, did the monitoring committee satisfy the sponsor's desire to provide a forum for powerless individuals or uninvolved groups to develop an appropriate role in the school system?

This is a harder type of effectiveness to determine; one can ask sponsors what they wanted the body to do, and if the body did those things but more judgement is required from the evaluator than is required above. It is also

a more stringent standard. It is inapplicable, of course, where there is no sponsor, as in many sex equity or handicapped-related cases. It is also misleading in cases where there is a sponsor, but the sponsor has little clear sense of what the monitoring body should do. The fact that a sponsor may be vague or muddled should not mean that by definition a monitoring body cannot be effective. The final problem with this criterion is that achieving this form of effectiveness may also have no impact on the civil rights implementation process itself.

3. Did the monitoring body make the implementation of students' civil rights any easier or more successful that it would have been if the body had not existed? With this definition of effectiveness, we move completely to the judgement of the observers. The question here is, can we as analysts argue that the monitoring body's existence or actions caused one or more of the civil rights goals to come noticeably closer to achievement?

This is the hardest form of effectiveness to judge, and the most stringent. We use three main criteria for making these judgements. First, was the monitoring group the only body supporting some school system action to further civil rights and did the school system then take that action? In this case, the problems of cause and effect are not extremely difficult: if only one actor desires an outcome, and that outcome occurs, we can make at least an educated guess that the actor caused the outcome. Second, was the monitoring group part of a larger configuration supporting some school system action, and did the school system then take that action? In this case, we must rely on our judgements about whether the monitoring group was part of a critical mass, such that it was necessary but not sufficient to achieve a desirable outcome. Third and finally, did the monitoring group contribute significantly to establishing an atmosphere which induced the school system to implement civil rights more fully, more quickly, or more willingly? In this case, we must rely on our judgements about a lot of facets of the situation -- the

"atmosphere," the meaning of "significant," and evidence of "contribution." For these last two criteria of effectiveness especially, we shall use the judgements of interview subjects, written materials from the districts, other studies of the same district, and comparisons with other school districts. Finally, in evaluating effectiveness we will keep in mind that "the pace of educational change approximates that of a wounded turtle,"[51] so we will strive to avoid excessive criticism that does no good to anyone.

VI. CASE STUDIES OF RACE DESEGREGATION MONITORING BODIES

A. Tri-ethnic Committee in Dallas, Texas

The Dallas Independent School District (DISD) is the eighth largest school system in the country with 131,000 students in 182 schools.[52] In 1979, there were, 31.7% Anglo students, 49.6% Blacks and 17.5% Hispanics.[53] The DISD is an urban school district.

DISD has recently been in litigation over a desegregation plan originally ordered by the District Court in August 2, 1971 (Tasby v. Estes 342 F.Supp. 945N.D. Tex. 1971), revised in April 1976, and implemented in September 1976. In that order, Judge William Taylor divided the district into six subdistricts and directed that within each, students in fourth through eighth grades be bused to achieve racial balance. Younger and older students were exempt from mandatory busing. Judge Taylor also exempted all students in two areas from the plan, one area because it is naturally integrated, and the other--the predominantly Black East Oak Cliff area--because of problems of "time and distance." The NAACP appealed the 1976 order because 30 one-race schools remained after it was implemented. Twenty-seven of the remaining segregated schools were in the East Oak Cliff subdistrict. In April 1978 the Circuit Court remanded the case to the district court for rehearing. At that point the school district appealed to the Circuit Court to have the 1976 order

declared final. The Supreme Court granted the defendant school district certiorari in March 1979, and heard arguments on the case on October 29 of that year. On January 21, 1980, the Supreme Court decided to leave standing the Fifth Circuit decision which ordered that the remaining one-race schools be scrutinized and their existence justified. A new plan is now in preparation.

There was virtually no organized opposition to desegregation in Dallas, although many city leaders totally opposed it. The Mayor and City Council remained neutral prior to and during the 1971 hearings. Upon Judge Taylor's strong urging, business and civic leaders helped to plan and implement the 1976 order, known as the Dallas Alliance plan. The Dallas Alliance was an ethnically balanced citywide organization set up by the Chamber of Commerce to tackle pressing urban problems of Dallas. The Education Task Force of the Alliance addressed desegregation, and essentially devised the 1976 plan.[54]

TABLE 5

TRI-ETHNIC COMMITTEE

DALLAS, TEXAS

ESTABLISHED:	August 2, 1971, reestablished April 7, 1976
TERM:	Indefinite
SPONSOR:	Federal District Judge William Taylor, Northern District of Texas, Dallas Division
SPONSOR'S CIVIL RIGHTS GOAL:	Statutory
SPONSOR'S MANDATE TO MONITORING BODY:	"To provide the Court with an objective, comprehensive and ongoing flow of information from...parents, students and other patrons of the school system who are significantly affected by implementation of a desegregation order."[55]
RESPONSIBILITIES:	Review operation of transportation system, teacher assignments, majority to minority transfer rule, selection of school sites [56] Facilitate public awareness of plan, implementation process, facts of court order; dispel rumors Report on problems with regard to physical plant, safety, etc. Advise court on community reaction to proposed changes in school system Where need exists, attend selected public meetings of Board of Education and its various committees, DISD staff meetings Seek evidence of noteworthy DISD achievements[57]
AUTHORITY:	To hold hearings To make recommendations to the school board in connection with hearings held "The Committee serves no judicial role." [58]
STRUCTURE:	Chairperson (Victor Bonilla) Vice-Chairpersons (2) Executive Committee (3 chairpersons, plus 2)

(Table 5 continued)

	Subcommittees: 1971: Curriculum; Transportation; Personnel; Student Assignment; Site Selection & Construction 1977: Magnet Schools; Transportation; Discipline Chairpersons appointed by Judge Taylor. Chairmanship to rotate annually between Hispanic, Anglo, Black. Other two members of Executive Committee chosen by TEC membership.
MEMBERSHIP:	15 to 21 members, approximately one-third Black, Anglo, Hispanic. Members to represent cross-section of professional, occupational, civic, economic and religious backgrounds. Appointed for staggered 2 year term, subject to reappointment provided member exhibits sustained support for TEC objectives, satisfactory attendance at meetings, availability/willingness to perform TEC assignments.[59]
STAFF:	1971: 3 staff persons: Administrative coordinator (1); Administrative secretaries (2) 1979-80: 3 staff persons: Staff coordinator (1); Assistant Staff coordinator (1); Secretary (1)
FUNDING:	By DISD from Emergency School Assistance Program funds 1971 Budget: $44,761 1979-80 Budget: $53,843
MEETINGS:	Monthly, or as often as necessary Open meetings Simple majority needed for quorum
REPORTING PROCEDURES:	At least twice a year[60] 1971 - once a month, minimum[61] 1976 - when TEC deemed necessary[62]
OUTPUTS:	21 reports to Judge Taylor on subjects of magnet schools, transportation, discipline, etc. Various press releases

Resources

Funding: With DISD funding, there have been problems about whether funds would be provided. The Court had to order that they be given in one instance. There are constant conflicts over the type of services and items DISD was supposed to pay for. For example, DISD refused to pay for expenses of consultants TEC brought in and Judge Taylor did not order them to pay.

Access to Information from School District: TEC has had problems getting statistical and other information from the DISD. Apparently TEC members can attend school board meetings but must be very careful about expressing their views, as the school board may construe their expressions as representing the views of the TEC and thus as public criticism by the TEC. However, one member of the school administration stated that the DISD always reports back to the TEC about the resolution of complaints it has submitted.

Communications with and Support from the Community: Before implementation in 1976, there was no effort to communicate with community members. After the 1976 implementation, TEC began to receive complaints from the community (parents, students, teachers) on problems which arose as a result of desegregation. Complaints were received in public meetings held around the city, in letters, and from people who contacted TEC members in their schools or neighborhoods.

More specifically, TEC served as an important communications link between DISD and the black community, especially during first years of desegregation (prior to the 1976 order). Parents brought complaints to TEC, which sent them to the appropriate DISD person for resolution. Black support of TEC has dwindled in recent years because the community apparently perceives the powerlessness of TEC. For example, few people attended the public hearings that the TEC held in the minority communities in 1979 to hear grievances.

Hispanic support parallels Black support; it started strongly, but has dwindled to almost nothing.

TEC was seen by most whites as troublemakers because of press editorials and the portrayal of TEC by school staff and administrators. Civic and business leaders, who had their own organizations (such as the Chamber of Commerce, Dallas Alliance, and Citizens Council) to deal with school desegregation seemed not to take the TEC very seriously. There has been little contact and no overt support. However, most religious groups apparently do support the TEC. Clergy have been members from the beginning, and a theologian, Reverend Zan Holmes, was the first chair.

Media Coverage: No one described the media coverage as "positive" although one staff member of the TEC described it as "fair." The press added to early confusion about the TEC's role through editorials describing the TEC as a federal or super school board. The editorial tone was generally negative, portraying the TEC as worthless at best and troublemaking at worst.

Newspaper reporters attended most TEC meetings between the 1971 and 1976 court orders, although TEC made no real efforts to sell itself in the press. However, the TEC has sent some articles to the newspapers that have never been printed.

Government Support: There is no apparent local or state governmental support. At the federal level, the Community Relations Service (CRS) advised Judge Taylor on the best ways to avoid violence in Dallas. It also had some contact and did some workshops with TEC. OCR has not been involved in the Dallas case, and some respondents claim that its lack of activity is due to close personal ties between some OCR personnel and school district staff.

Clear Mandate: All respondents concurred that Judge Taylor did not sufficiently tell the TEC what to do. However the 1971 court order establishing the TEC and the printed "Guidelines" seem clearly to set out its role. This

contradiction may be explained by the Judge's unwillingness to support the TEC when it was confronted with pressure from DISD and the press. Thus its "real" mandate — as distinguished from its public mandate — is unclear.

Commitment of Sponsor: Judge Taylor gave the TEC only the power to make recommendations to the school district. It explicitly had "no judicial role." Furthermore, although the TEC appears to be independent from the DISD, it is not. Through their relationship with the judge, DISD administrators apparently have veto power over the appointment of TEC members, and are able to ask the judge to tone them down. A few former members claimed that Judge Taylor had dismissed them from the TEC for publicly criticizing the DISD, and one former member summarized by stating that the judge went out of his way to accommodate the white community in setting up and overseeing the TEC.

The court made no provision for the TEC to obtain outside technical services. When the TEC sought advice of planning and desegregation experts, Judge Taylor upheld the refusal of DISD to pay their expenses. Some advisors have had to pay their own expenses.

There is a provision for an internal audit by DISD in Judge Taylor's order. The audit is public and TEC members need to evaluate these statistical data if they are to monitor accurately. However, they have no funding for official access to data analysts. This is a particularly serious lack because some respondents who have analyzed these data claim that the DISD uses them to mislead the judge and the public about desegregation progress.

Member's Commitment: TEC members seem committed to monitoring DISD but they are very frustrated about the lack of power.

Effective Monitoring Body Leadership: During the early stages of desegregation in Dallas, the three TEC co-chairs obtained community backing by holding public meetings in their respective communities to ascertain people's feelings and to explain the TEC. Now, however, they are unable to overcome

the (probably accurate) perception among community members that the TEC has no power. The current lack of a strong chair may be one reason for the loss of community support, and some argue that Judge Taylor deliberately chose a weak second chairperson.

In addition, the first chair, Zan Holmes, had a real talent for molding the committee into a cohesive group with high morale. He was aware of the need of each ethnic group to feel that it had power, so TEC worked on consensus theory. The high morale has apparently dissipated within the committee, to the best of our knowledge.

Strategies

Relations with the School District: Judge Taylor intended for the TEC and DISD to have a cooperative relationship to resolve problems which community people would bring to the TEC. The compromise relationship did not develop, however, because of the resistance of school officials to having a group of citizens looking over their shoulders and because of the feeling of some early TEC members that they were "watchdogs" of the rights of minority children. As a result confrontation has been the modus operandi since the beginning.

Barriers to Effectiveness: The TEC failed to use the media, one of the most effective weapons available to a group with little formal power but much initial community support. The TEC was in this way politically naive; one former TEC member argued that good media relations were less important than "getting things done for the kids." As a result, the politically sophisticated business community and school system were able to use the media to discredit the TEC.

The other main problem for the TEC has been external. It was never set up to do systematic monitoring, but only to receive and help resolve individual complaints. It was never given any legal or political power; its efforts to develop a power base of its own have been limited by Judge Taylor, in the

view of various respondents. In its frustration, the TEC sometimes accedes to questionable DISD policies in order to get anything at all accomplished. It has been forced to accept a DISD requirement that a school staffer accompany all TEC monitors in their activities within the schools. More dramatically, at least one former TEC member seems to have been "coopted" by the school system. He used to be a severe critic, but "I'm a P-R person for the schools now."

Outcomes

The main success of the TEC has been its role as a resource for the community. It has provided some information on the desegregation process. More important, it has served as a "lightning rod" for local citizens by creating a public forum for people to vent their emotions and frustrations. It has not always been able to solve their individual problems, and it has had little systematic impact, but it was not given the tools or powers to do so.

The TEC has had one system-wide effect. Based on one of its reports to Judge Taylor, a uniform discipline system has been instituted which provides a three party hearing for students charged with infractions of the disciplinary code. TEC members take part in some of these hearings as observers.[63]

B. Community Education Council in Denver, Colorado

The first desegregation order in the Denver Public Schools was issued on July 31, 1969 (Keyes v. School District #1, Denver, Colorado, 313 F. Supp. 279 (D.Colo. 1969).) After complex litigation, the Supreme Court in 1973 upheld use of busing to achieve desegregation, and held that systemwide desegregation is justified if it is determined that "an intentionally segregative policy is practiced in a meaningful segment of a school system"[64] and if the system cannot show that segregation had other causes. This was the

"first important Northern desegregation case to be decided by the Supreme Court,"[65] and a major victory for desegregationists. Litigation ended with a final order on March 26, 1976 by District Court Judge William Doyle.

The desegregation plan developed by the court appointed expert, Dr. John Finger, required all schools to be between 40 and 70% Anglo. This was to be achieved through rezoning attendance boundaries, pairing minority and Anglo schools, satellite zones, and desegregation-related busing of about 20,000 out of about 90,000 students. It was to be implemented during the 1974-75 school year.

In 1970, the racial-ethnic distribution of the 96,000 student population was about 22% Hispanic, 15% Black, and 62% Anglo. By 1977, the number of students had declined to 70,000 and the proportions were about 30% Hispanic, 21% Black and 47% Anglo.[66]

Organized opposition to desegregation came from the school board and administration, which vowed to oppose the court order in every way, and from private citizens. CANS (Citizens Association for Neighborhood Schools) was the most vociferous opponent. It claimed 15,000 members, and held public meetings, letter-writing campaigns and school boycotts. It also conducted a state-wide campaign which resulted in an anti-busing amendment to the Colorado Constitution.[67] There was also unorganized and violent opposition. School buses and facilities were bombed, and key participants in the litigation of the case were threatened. However "despite evidence of fairly substantial opposition to school desegregation, community reaction in Denver must be characterized as relatively peaceful and mild."[68]

TABLE 6

COMMUNITY EDUCATION COUNCIL

DENVER, COLORADO

ESTABLISHED:	a) April 17, 1974	b) October 14, 1977 (reorganized by Judge Matsch)
TERM:	Initially to June 1, 1975; extended indefinitely	
SPONSOR:	a) Federal District Judge William E. Doyle ('74-'77)	b) Federal District Judge Richard P. Matsch ('77-)
SPONSOR'S CIVIL RIGHTS GOAL:	Statutory; Educational	
SPONSOR'S MANDATE TO MONITORING BODY:	a) Aid and assist District in implementing plan Furnish assurance to community Educate community about plan[68]	b) Advise court on matters relating to desegregation implementation Recommend changes or adjustments to plan[69]
RESPONSIBILITIES:	a) Coordinate community efforts to implement plan Educate community on court's findings and requirements of plan Receive complaints from community, try to resolve, report resolutions to Court and parties Monitor execution of plan, report to Court	b) Less emphasis on monitoring and reporting to Court, more on community education Develop speaker's bureau Aid community groups with programs in schools
AUTHORITY:	a) To request information and assistance from Denver Public Schools	b) Could meet with parties, exchange information Access to school facilities, officials, and records

(Table 6 continued)

	a)	b)
STRUCTURE:	Chairperson (Dr. Maurice Mitchell) Executive Committee (9 in 1974; 5 in 1975) Committees 1974: Monitoring (14) Transportation (3) School District Liaison (9) Community Education (6) Voluntary Agencies Coordinating (8) Volunteer monitors (approximately 200) Note: Some changes in committee structure and numbers in succeeding years.	Chairperson (Dr. Francisco Rios) Vice Chairperson Executive Committee Committees 1976: Monitoring Liaison
MEMBERSHIP:	1974: 46 members; 1975 and 1976: 64 members Approximately equally divided among Anglos, Blacks, Hispanics Outstanding members of the community: cross-section of educators, clergy, elected officials, media persons, business, civic, and labor leaders, and students Note: After CEC was reorganized, members had to be Denver residents	1977: 19 members for 2 year terms Representatives of 3 racial/ethnic groups Judge especially interested in appointing prominent citizens.
STAFF:	Part-time secretary	Secretary
FUNDING:	Denver Public Schools paid for clerical support, office supplies and printing, provided office space	Two year budget to be devised which would be paid by DPS
MEETINGS:	Open to public but only Council members could speak	Open to public; meet at various schools.

(Table 6 continued)

REPORTING PROCEDURES:	a) Subcommittees report to CEC CEC reported to Court and parties when necessary	b) Report to Court, parties quarterly with supplements as needed.
OUTPUTS:	a) 13 reports to Judge Doyle	b) 6 reports to Judge Matsch

Resources

Funding: The first CEC was forced to obtain a court order to insure that the school district would reimburse its expenses. The reorganized CEC has a two-year budget, and funding problems have eased.

Communications with the School District: Despite the 1974 court order, the first CEC had great difficulties obtaining information from the schools. In fact, during the 1974-75 school year the school board refused to meet with the CEC, despite repeated requests. On several occasions CEC members had to contact Judge Doyle to obtain access to the schools. Relations with teachers and other building personnel were also strained although CEC members insist that they never attempted to keep any secrets from the schools. For example, monitoring reports were shown to building personnel before monitors left buildings. However, top school administrators perceived the CEC as highly critical and anxious . . . to discover problems. One described CEC reports as selective and prejudiced.[70]

Almost all respondents now describe the school-CEC relationship as . . . workable. A School Board/CEC Liaison Subcommittee has even been established which provides formal monthly contacts between the two bodies. The new superintendent of schools also is apparently more willing to meet with the CEC than former superintendents had been.

Communications with and Support from the Community: Although Judge Doyle hoped that the CEC would educate the community about the Court's order and its constitutional bases, the CEC was never effective in that task. It did however, act as an informal rumor control center during the first year of desegregation. In 1976, Judge Matsch ordered the CEC to concentrate less on monitoring and more on educating the community but there is no evidence that the CEC has become more effective or conscientious in that task.

The CEC does receive complaints from community members, and tries to resolve them by referring them to appropriate school personnel. It takes complaints to the judge or the media if they are serious enough or when the school response has been unreasonably prolonged.

The CEC has had varying degrees of support from blacks and whites. Some whites perceive it as pro-busing, which apparently hurt its image in the white community. Several respondents commented that the CEC made too little effort to seek community support. Perhaps as a result of the lack of community education and outreach, the considerable attention that the CEC generated in the first years of desegregation has dwindled. At present, according to one former member, "the community has forgotten the CEC exists."

Hispanics were basically opposed to desegregation but they have used the CEC to make complaints to the Court and DPS.

The Chamber of Commerce, a prominent banker, and other business and civic leaders supported desegregation, and some have been members of the CEC. Religious leaders especially supported desegregation, participated on the CEC, and provided meeting places in their churches.

Media Presentation: Some CEC members feel that the media portrayed desegregation unfairly and that they were too willing to sensationalize to get the public's attention. At one point early in the desegregation process the CEC's media relations committee met with TV and newspaper management and asked them to tone down their desegregation-related reports. The group met with limited success. However, most CEC members felt that their group was represented fairly by the press. Although chairman Mitchell used the media to make points effectively and quickly, one former member and a journalist felt that the CEC did not use the media enough, especially to educate the community about the court's orders and the CEC role.

Support of Governments: We have no indication of support or opposition by local, state, or federal governments. At one point CEC members contemplated contacting CRS for advice in performing their duties but there was apparently a consensus against it.

Clear Mandate: Parts of the judges' orders were unclear. For example, the CEC had to fight the schools, and finally get a court order, to get access to schools for members and monitors because the judge had not specified what form he wanted monitoring to take. More generally, Judge Doyle did not explain its own role and legal status to the CEC. One former CEC member relates that Judge Doyle gave the first Council members some information on the decision, told them who the Chairperson would be, then told them to go home and set up the CEC.

Commitment of the Sponsor: Court orders gave the CEC power to see all school district proposals for program changes which would affect desegregation, to make recommendations on such proposals, and to initiate hearings with the judge. This last power, which gave them quasi-party status, is rare among monitoring bodies and indicates strong commitment from the judges.

Many in the community perceived that the CEC was run by the Court. However the CEC was given the right to, and does, operate fairly autonomously. For example, in his April 17, 1974 order Judge Doyle was careful to say that the guidelines which he had set out in creating the CEC were merely suggestions and that the Council was free to formulate its own program.

Neither judge made any provision for outside technical assistance for the CEC, although many of its members had legal or business expertise.

Member Commitment: CEC members and monitors have been very committed to the monitoring idea, but interest has decreased in recent years. There are several reasons for this decline: CEC served as a stepping stone to higher status for the most ambitious and active members; the schools are doing their

job correctly, and there are few horror stories to motivate action; and new members are not as activist or as committed to desegregation as former members were.

Members are still in conflict over the extent of the mandate given to the CEC. Some, primarily the businessmen and lawyers, emphasize that the CEC does not have party or judicial status, and that its only role is to monitor and report. Others, primarily parents and community members, emphasize that the "real" role of the CEC is to facilitate desegregation, and that if the schools are unable or unwilling to change on their own, the CEC must help them through pressure or direct action. Thus members remain committed, but they cannot agree on what they are committed to.

Effective Leadership: During the first few years the Chairman, Maurice Mitchell, was nationally and locally prestigious -- a former member of the Civil Rights Commission and Chancellor of the University of Denver. He was well-known to the community and his strong personality apparently aided him in interesting the community in the Council. Some respondents attribute some of the declining community support of the CEC to the less dynamic styles of leadership of succeeding chairpersons. All CEC chairpersons have been skilled in internal relations. Beginning with Dr. Mitchell, they have held together disparate elements of the CEC by allowing a lot of discussion and dispute among members, and then deciding on a consensus which they induced others to accept.

Training: The CEC distributed pamphlets to all school monitors on their duties, reporting responsibilities, and authority. Monitors were also trained through two or three general information sessions and a training session each quarter in particular problem areas.

Strategies

Relations with the School System: Denver had 210 volunteer in-school monitors responsible for discerning the commitment of school personnel to effective implementation of the desegregation plan. Monitors were encouraged to develop harmonious relationships with school staff and not to appear adversarial.[71] Many, however, did act as advocates for change and sometimes as adversaries of the school system.

When the structure of the CEC was changed in 1977 to give it quasi-party status, it began to deal with the DPS as an equal. Largely because of this change, as well as changes in specific personnel and general political climate, the DPS became much less obstructive of CEC activities, and were more helpful to CEC requests and investigations. There are still adversarial relations between the CEC and the schools over several issues, especially an in-service human relations program which the schools have developed but not implemented, and affirmative action policies for hiring teachers and staff.

The CEC was basically a political, and especially a grass roots, organization. Most original members were selected from an ad hoc committee, "People Let's Unite for Schools," which sought peaceful desegregation. The members selected the 200 in-school monitors who were primarily parents and community activists. The CEC has also had some community leaders, and the goal of at least one former member was to get businessmen into the schools, and thereby committed to the schools' successful functioning. To this end, that respondent insisted that having virtually no staff or budget was key to the success of the CEC. Staff and funding simply create a new bureaucracy, he claimed; without those crutches, CEC members were forced to go into the schools themselves, learn what was and was not happening, and use their influence and presence to create necessary changes.

Approach to Monitoring: The CEC was oriented toward complaint resolution rather than systemit analysis. CEC members went to schools and bus stops, talked to parents, teachers, and principals, and tried to determine what the problems were in individual schools and particular cases. They then concentrated on the problem areas rather than examining the whole system to see how problem areas differed from successful areas.

Outcomes

The simple fact of in-school monitoring was one of the CEC's main achievements. Denver Public Schools opposed all intrusions by the CEC into the schools, and attempted to thwart monitoring efforts by insisting that only the court-appointed members be permitted to monitor. Judge Doyle refused to support the DPS and ordered it to admit the CEC-appointed volunteer monitors to the schools. The judge also refused to allow the District to circumscribe the issues and locations which would be subject to monitoring committee scrutiny. Partly as a result of this controversy, the schools are now more open to community members, and more people understand and have an opinion on school actions. Thus by our first definition of effectiveness, the CEC was successful.

One CEC member described it as effective in smoothing out many of the transitional problems which go along with the institution of a busing program, particularly transportation problems. During first weeks of implementation CEC members made recommendations to Special Master Dr. Finger about changes to the plan which would hasten smooth implementation. They focused on issues that they, as residents of Denver, had more intimate or accurate knowledge about than external experts. For example, CEC members suggested changes in student transfers where geographical barriers were present. Their recommendations generally were accepted. Later on, monitors rode buses, stood at bus stops, or met the buses at school so they were able to clear up some transportation problems when they first occurred. The CEC was also instrumental in getting

the Judge to order activity buses for children who wanted to participate in after-school extracurricular programs.

Several CEC members claimed that its most important achievement has been to gain the trust of the school board and of the superintendent. The School Board/CEC Liaison Subcommittee now meets monthly. Respondents were not able to point to any specific accomplishments of the Liaison Committee, partly because it began only recently and its members are just beginning to deal with controversial problems. But they claimed that its very existence, the fact that the school system was now willing to deal regularly and in a friendly fashion with the CEC, was a major achievement in its own right.

Finally, the CEC has used its quasi-party status to petition the court and obtain hearings on affirmative action, in-service training, long-range planning, and pupil placement. These hearings have helped to keep the court in touch with the problems of implementing desegregation.

C. Community Coalition for School Integration in Portland, Oregon

The Portland Public School system had in 1977 14% black, 6% other minorities and 80% white students.[73] There has been no litigation in Portland, although HEW has been active in the case. In 1962, the NAACP charged the Portland schools with segregation, and recommended pairing and careful selection of new school sites to desegregate. In 1963 the school board appointed a blue ribbon Committee on Race and Education (also known as the Schwab Committee) to examine the problems of segregation and low achievement among black students. The school board adopted the Committee's recommendations[74] to set up model schools in poor neighborhoods and to encourage voluntary transfers. However, the effect of the Model Schools program on educational achievement was "inconclusive,"[75] and the voluntary transfer program had a negligible impact on segregation.[76] The board did not act on the Committee's recommendation for a long-range plan to rationalize the whole school system.

Desegregation efforts continued in the 1970's, partly in reaction to findings that the school system was in violation of ESAA regulations. In 1977, the Community Coalition for School Integration was formed. It arose from community opposition to a school board policy that would have mandatorily bused black high school students to white high schools on the other side of town. "The major concern centered on the discriminatory nature of the plan, i.e. only students in predominately Black neighborhoods would be mandatorily bused."[77] In response to opposition, the school board deferred action on the redistricting plan, and asked the NAACP, the Urban League, and the Metropolitan Human Relations Committee to develop alternatives. These groups opened the process up to any volunteers and broadened their investigation to a "District-wide examination of school desegregation."[78] The resulting Coalition is described in Table 7.

TABLE 7

COMMUNITY COALITION FOR SCHOOL INTEGRATION

PORTLAND, OREGON

ESTABLISHED:	July 25, 1977
TERM:	Until recommendations completed (Nov. 1978)
SPONSOR:	School Board
SPONSOR'S CIVIL RIGHTS GOAL:	Educational (equal opportunities model); Political (interest group model)
SPONSOR'S MANDATE TO MONITORING BODY:	Identify common concerns in community regarding desegregation Develop policy recommendations which would enhance equal educational opportunity and thereby maximize the potential of every student to achieve
RESPONSIBILITIES:	Open-ended: "The open and independent nature of the Community Coalition contrasts with the selective and restrictive nature of the only other comprehensive examination of racial segregation in Portland...Unlike the Coalition, the...Schwab Committee [was] appointed by the School Board and given a specific charge."[79]
AUTHORITY:	Hold public forums and conduct research
STRUCTURE:	Chairperson (Harry C. Ward) Vice Chairperson (Mary C. Edwards) Coordinator Committees: Task Coordinating Research Resources Community Involvement Party

(Table 7 continued)

MEMBERSHIP:	All volunteers accepted until May 1, 1978 105 members representing 38 organizations of parents, teachers, students, administrators, businessmen, neighborhood associations, churches and other civic groups
STAFF:	Full-time coordinator (David D. Johnson) Assistant Coordinator Public Relations staffer Secretaries (3)
FUNDING:	Aid from Multnomah County, City of Portland, State Department of Education, Portland School District, private businesses, and own members. Total funding: $69,001
MEETINGS:	Periodic meetings 15 public forums, January-March, 1978, in every high school feeder area in the district.
REPORTING PROCEDURES:	Reports to school district and public
OUTPUTS:	Recommendations to School Board on racial imbalance and redistricting plan, December 1977 [80] Report to School Board, March 1978[81] Report to School Board, November 1978[82]

Resources

Funding: Funds came from various sources. The school district provided office space, secretary, equipment, funds for a professional survey, and other in-kind services; the County gave the Coalition a grant to hire a coordinator and a clerical/research person; the Urban League obtained CETA funds for an assistant coordinator; and the County, City, State Department of Education, private business and members of the Coalition providing additional funds. The Coalition had no apparent problems in obtaining the amount of funding it needed or in feeling free to spend its resources as it saw fit.

Communications with School District: The Coalition had access to all the school district information it needed. Its relationship with the District was positive because the school had solicited the Coalition's aid, and it was in the interests of the school system to retain the support of community leaders for the desegregation plans it developed and implemented.

Communications with and Support from the Community: The Community Involvement Committee of the Coalition organized 15 public forums to hear citizen concerns about desegregation. The 400 participants in the forums also completed a questionnaire on important issues in desegregation in Portland. These data were analyzed and used by the Committee to evaluate citizen concerns. Representatives of over 35 community organizations were Coalition members so there was presumably informal communication between community groups and the Coalition.

The black community generally supported the Coalition, although some feared that the large number of white liberals on the Coalition might slow desegregation. After the school board refused to accept some Coalition proposals much black support shifted to the Black United Front, which seeks quality education regardless of whether there is desegregation.[83] The white

community seemed to support the work of the Coalition. Many civic groups had representatives in the Coalition and some business and civic groups provided financial support. The Portland NAACP, League of Women Voters, and Urban League chapters were active members of the Coalition, as were representatives of the Albina Ministerial Alliance, Church Women United, Ecumenical Ministries of Oregon, and National Conference of Christians and Jews.

Support of Governments: The city and county governments contributed funds to the Coalition's efforts. There was no indication of any federal involvement with the Coalition.

Clear Mandate: The school district directed the NAACP, Urban League and Metropolitan Human Relations Commission to propose recommendations for relieving racial imbalance at one of Portland's high schools. Although the mandate was clear it gave no guidelines or parameters within which to make proposals. The groups decided on a structure, after soliciting additional members from the community. In addition, the Coalition expanded its mandate and surveyed the entire Portland school district, making recommendations on the best method for reducing racial imbalance districtwide.

Commitment of Sponsor: The school board made no commitment to accept Coalition recommendations. Since the board gave the Coalition whatever power it had, Coalition leverage was nonexistent. The Coalition was not really autonomous, although it was free to obtain any technical services it needed and to make any proposals it wished. As an advisory group to the board, it was not intended to be autonomous.

Member Commitment: Coalition members were very committed to the notion of helping the school board work out difficult problems of desegregation without being forced into court. The members seemed to understand and accept their mandate.

Effective Monitoring Body Leadership: We have little information on the actual leadership of the Coalition, although its ability to work well together and perform its task indicates some cohesiveness and direction. There was no provision for training of Coalition members.

Strategies

Membership Structure: The Coalition was basically a grass roots group. Any person or organization was free to join. The Coalition apparently did not seek out members, but the membership cut across all sectors of the community.

Approach to Monitoring: The Coalition analyzed the entire Portland school system rather than attacking problems as they might arise. It conducted, analyzed, and used a questionnaire given to all participants in public forums (not a random sample, but a wide selection of interested citizens). It conducted research on the results of school desegregation nation-wide, the history and current practices of school desegregation in Portland, legal issues, and population and housing trends in Portland. It did not, to our knowledge, conduct in-school monitoring.

Relations with School System: Relations between the schools and the Coalition were amicable. The school district compromised or rejected some recommendations, but the relationship was never confrontational. Some black participants and citizens felt that the relationship was too amicable, that some white Coalition members had implicitly or explicitly agreed with school personnel that the schools need not accept the strongest recommendations for change. These blacks formed or supported the United Black Front, which made stronger educational demands backed by a successful one-day school boycott during the spring of 1980.

Outcomes

In January 1978, the school board accepted the Coalition's initial recommendations to drop further consideration of a redistricting plan that would

have bused black students to achieve more racial balance. The Coalition report made recommendations in ten areas— administration, student transfer, curriculum, teacher training, student discipline, minority hiring, minority teacher placement, integrated housing, advisory boards, and future relations between schools and the Coalition. The Superintendent publicly responded to these recommendations, accepting all of them in principle except the one dealing with student transfers.[84] On April 14, 1980 the school board adopted a Comprehensive Desegregation Plan which incorporated many of the recommendations of the Coalition.[85] The United Black Front sponsored a school boycott on May 19, 1980 to protest and draw attention to other recommendations from at least some members of the Coalition that were not accepted.

The school board plan has not yet been implemented, so we have no information on its civil rights results.

D. Citizens Commission on School Desegregation in Buffalo, New York

Desegregation began with the remedy order of April 30, 1976 (Arthur v. Nyquist, 415 F.Supp 904 W.D.N.Y. 1976).[86] This ruling provided for compulsory racial balance of high schools and voluntary inducements in grade schools through magnet elementary schools, a Quality Integrated Education (QIE) program, and one way busing of inner-city blacks to peripheral white elementary schools. The plaintiffs, however, challenged the effectiveness and disproportional burden of these programs. On June 6, 1979, Federal District Court Judge John T. Curtin found that the "Buffalo plan" of January 5, 1977 left too many (15) all minority schools intact and "that it placed too great a burden on blacks and other nonwhite children."[87] On August 8, 1980, Judge Curtin accepted the Board of Education's plan for desegregation, which relies on nine school closings, three new magnet schools, and voluntary busing to achieve racial balance. Judge Curtin also ordered the school system to hire one minority teacher for every nonminority hired in the future. The plaintiffs, the Buffalo chapter of

the NAACP, planned to appeal the desegregation order and ask the Circuit Court of Appeals to delay the order until the appeal is settled. The teachers union may appeal the affirmative action hiring order.[88]

The Buffalo schools will have 47,000 pupils in 1980-81, of whom about 50% are white.[89]

TABLE 8

CITIZENS COMMISSION ON SCHOOL DESEGREGATION

BUFFALO, NEW YORK

ESTABLISHED:	September 29, 1977
TERM:	Originally through Phases I & II of desegregation order. Dissolved November 21, 1979 before Phase II completed
SPONSOR:	U.S. District Court, Western District of New York, Judge John T. Curtin
SPONSOR'S CIVIL RIGHTS GOAL:	Statutory
SPONSOR'S MANDATE TO MONITORING BODY:	"The goal is to facilitate citizen participation in the desegregation process and to deal with problems in an orderly fashion."[90]
RESPONSIBILITIES:	"To foster public awareness and involvement in implementation of the court's desegregation plans." "To monitor desegregation at magnet schools, QIE schools, and all other schools affected by court order." "To serve as a conduct for community input into school development." "To encourage cooperative efforts by local universities and colleges, cultural institutions, business, religious labor and community organizations with the Buffalo Public Schools."[91]
AUTHORITY:	"To identify implementation problems, to attempt to resolve these problems through mediation and conciliation under direction of the court, and to bring unresolved problems to the attention of the Buffalo School Board, the parties, the court, or other appropriate persons." 92 "It is not a substitute for the School Board and has no authority or power to give direction to any member of the Board or staff".[93]

(Table 8 continued)

STRUCTURE:	Commission Chairman appointed by the court (Max Glenn; Carol Streiff) Executive Committee appointed by chairman Executive Secretary appointed by the court (second year only) Subcommittees (7) established by the Chairman and executive committee.
MEMBERSHIP:	30 - 35 members appointed by the court for one year. "Representatives of major groups and geographic areas in the community who have, as individuals, demonstrated deep concern with the welfare of the city and its school system."[94] Included plaintiffs
STAFF:	Professional (law school graduate) staffer and clerk typist Clerk typist (second year only)
FUNDING:	From school board, for "all legitimate expenses"
MEETINGS:	Full committee meetings monthly with subcommittee meetings at the discretion of the subcommittee chairperson
REPORTING PROCEDURES:	Supposed to report to Superintendent, School Board and staff, and court, but in practice reported only to the court
OUTPUTS:	2 Annual reports:[95] "First Semi-Annual Report or Implementation of Desegregation in Buffalo Public Schools", dated June 15, 1978. "1978-79 Annual Report on Implementation of Desegregation in Buffalo Public Schools", dated July 26, 1979.

Resources

Funding and Staff: There were few conflicts over funds. Members served voluntarily, and the school system paid all necessary expenses without dispute. The professional staffer did not work well with Commission members; some perceived her to be secretive, almost antagonistic, and responsive to the court rather than to the Commission.

Access to Information from School District: Gathering information was a constant source of conflict between the Commission and the schools. Judge Curtin was forced to intervene on occasion.

The school system argued that with their previous demonstrations of "good faith," an external mediator was unnecessary. The schools were invited, but declined to nominate anyone for membership. As a result, the Commission's tilt toward the plaintiffs' perspective hampered but did not entirely impede the Commission's access to school information. Criticism in the first Commission Semi-Annual Report further fueled the Board's resistance. Even with school board representatives on the Commission during the second year, school resistance to and attacks upon the Commission and its work continued. School officials continued to insist that the informational demand diverted too much personnel time and effort.

Community Support and Information: There was little community interest in or support for the Commission; what support it had from blacks and white desegregation supporters declined over its two year existence. Commission members received community (black and white) complaints and comments although, with the exception of one public meeting, these comments were never particularly solicited. (One former member suggests that this public meeting was one reason for the Commission's dissolution.) Another member suggested that because the Commission was charged with confidentiality (only the Chairperson was permitted to speak publicly for the "unified Commission"), members could ask

Strategies

Although Judge Curtin intended the Citizens Commission to be only an objective statutory monitor, mediator, and information gatherer for the court, the fact that its members were passionately committed to desegregation led the school system to see it as an adversary. The schools behaved antagonistically to the Commission, which responded in kind; Commission members and plaintiffs both complained of the schools' "paranoia" and "intransigence." Thus even members who began with an intent to be objective monitors eventually became advocates for the plaintiffs as battles with the schools continued.

The adversarial relationship naturally impeded the flow of information between the schools and the Commission, and colored Commission reports. The two annual reports were the Commission's only outputs, only strategies for inducing change, and their only material intervention in the desegregation process. Both reports generated great controversy. The court's preferred reporting procedures called for the Commission to approach school personell first when it detected problems. Only if the school could or would not solve the problem was the Commission to come to the court. However, the Commission either went straight to the court with complaints or waited to publish them in the reports. Furthermore, the School Board wanted to comment on, and possibly even to edit, the reports before their release, but the Commission did not give it the opportunity for the first report. Since this practice precluded the schools from taking any rememdial actions, and since the report was highly critical, it met great hostility from the schools. For the second annual report, the procedure was changed. The school system received a rough draft four weeks before the printing date; it verbally, and then in writing, requested that one section be deleted and other changes be made. The Commission wrote to the court to answer the schools' objections, and "everything pretty much stayed as it was." The Commission and the schools did hold one meeting to discuss the report, and a few changes were made, so the hostility was a bit lower the second time. The report still was controversial, however (e.g. one footnote

referring briefly to the possibility of prostitution in a predominantly black high school was highly publicized and disputed).

Outcomes

Apparently inadvertently, the Commission has probably impeded progress in the case, since its composition made the schools defensive and hostile and therefore unwilling to listen to other proponents of desegregation. Perhaps if the Commission had been more willing to deal directly with the schools, it could have overcome some of its own and the schools' intransigence. Judge Curtin is also partly responsible for the Commission's failure, for several reasons. First, he could have taken a more active role in selecting and overseeing the members of the Commission, and could perhaps have defused some of the bunker mentality on both sides. More importantly, he sent mixed signals; he asked the Commission to be objective monitors bringing information to the court, but he also asked them to work out as many problems as possible directly with the schools. Those are two separate roles; at a minimum they require a relatively relaxed atmosphere if both roles are to maintained simultaneously.

However, the Commission had some positive effects. It brought problems such as resegregation of the high schools to the attention of the court and community, and it raised the whole idea of citizen participation in desegregation to a high level of consciousness. Controversy over the proper role of citizens may be proferable to the assumption of no role for them.

E. Citywide Coordinating Council (CCC), Citywide Parent Advisory Committee (CPAC), Community District Advisory Councils (CDACs), Racial-Ethnic Parent Councils (REPCs), and Racial-Ethnic Student Councils (RESCs) in Boston, Massachusetts

Largely because of its division into inwardly looking ethnic neighborhoods, Boston is "very polarized,... a city with pervasive racial problems."[96] School desegregation has been, and continues to be, an explosive issue. "The city's sixth

many but answer only a few questions from the public. This may have impeded community interest and involvement.

The business community and civic groups took an active role in the desegregation process (e.g. banks adopted certain schools to help fund administrative costs of implementation), but neither worked much with the Commission. One Commission member worked at a local computer firm, and gave assistance with analysis of the school's information network. Most religious groups also ignored the Commission, although it did receive clerical work gratis from Buffalo Area Metropolitan Ministries during its first year, when the Ministries' head, Max Glenn, acted as chairperson.

Media Presentation: There was little media coverage and in turn, except for the annual reports, the Commission put out few press releases. The Commission, in short, did not act to promote positive--or any--media coverage.

Government Support: There was no apparent support from local or state governments. The Community Relations Service conducted a two-day training seminar for members. Member reaction varied between "good" and "excellent," depending on their prior knowledge of schools and desegregation. CRS also advised the City and other parties on how to avoid violence.

Clear Mandate: All members agreed that the mandate, responsibilities, and authority were clear as well as broad enough to permit wide flexibility in selecting issues they chose to monitor.

Commitment of Sponsor: There was no provision for leverage on the school district. The Commission was directed to try to resolve problems with the schools before taking unsolved issues to the judge, a directive which does not suggest intense involvement by Judge Curtin. Some respondents claim that the judge was not really committed to the idea of citizen monitoring, that he occasionally joined in a tacit alliance with the schools against the Commission.

Members Commitment: The members began with sufficient commitment--some were plaintiffs in the case--but as the Commission's effectiveness waned, their motivation did also. They also argued among themselves over their proper focus and strategies. However, during the Commission's last six months, under the new chairperson member interest rose and the organization and effectiveness improved.

Effective Commission Leadership: The lack of a strong leader was a major stumbling block in the first year. Rev. Glenn was not seen by members as a particularly good administrator or organizer despite his major role in structuring subcommittees and setting the agenda. Most members complained of his inability to unify the Commission and deal with details. Some members believe he deliberately misled sections of the Buffalo community. Others believed him to be a puppet of the court and schools. Members also complained because Rev. Glenn was not from Buffalo; he had moved there only six months before being named chair and he left the city soon afterwards.

Under the six month tenure of Carol Streiff, the Acting Chairperson, the Commission's effectiveness increased greatly. She is credited by all parties except the schools for turning an otherwise disastrous operation into something of a success. She was particularly good with details. The only complaints were that she was not as strong a leader as she might have been since she preferred to do virtually everything by consensus of the entire Commission. However, the schools were more receptive to Rev. Glenn than to Ms. Streiff because of her demand for information and plaintiff orientation. Finally, "personality problems" between Carol Streiff and the professional staffers are reputed to be a principal reason for disbanding the Commission. All respondents either agreed that this was the case or pleaded ignorance of the matter. Those agreeing sided overwhelmingly with Carol Streiff.

year of school desegregation...proved every bit as tense as the first,"[97] given incidents in which school buses carrying black students to South Boston High School were stoned by masked whites, a fifteen year old black football player was shot and paralyzed and black teens in Roxbury attacked passing motorists. The absence of strong business,civic,or political leadership in support of the federal court desegregation orders is seen by many as the reason for the continuing strife. Others, however, point out that only a few of the 200 schools were violent when desegregation began, that the School Committee has had moderate members during the 1970's, and that desegregation has become a fact of life for most residents.

The first federal desegregation court order came on June 21, 1974 (Morgan v. Hennegan).[98] In that suit, Federal District Judge Arthur Garrity Jr. found that the Boston School Committee had established and perpetuated an unconstitutionally segregated school system, effects of which were evident in every school. Desegregation was to take place in two phases. Phase I, which was implemented in September 1974, was a short-term imbalance plan. It was devised by the State Board of Education in 1973, and was intended to reduce the number of imbalanced schools (those with more than 50% nonwhite students), reorganize the grade structure, and reassign students. Phase II, beginning in September 1975, required full desegregation through redistricting, magnet schools, and busing. The court later found that neither phase had been implemented acceptably, and appointed a panel of four special masters to redesign the Phase II plan, which was implemented in September 1976 as Phase II B.

Judge Garrity also set up an elaborate structure of monitoring and advisory committees to facilitate desegregation and insure implementation of his orders. Their characteristics are summarized in Table 9. Boston has by

far the fullest complement of monitoring bodies of any school district undergoing desegregation.

The racial composition of the Boston school district in 1978 was 45% black, 39% white, and 15% other minorities.[99] The school system, like the city and state, is facing severe cutbacks and possibly even closings in the spring of 1981 as a result of the property-tax limits of Proposition 2 1/2. The school system has often run at a deficit in recent years, but it must balance its budget, close for the rest of the year, or mortgage next year's revenues in the face of the new mandate for fiscal austerity represented by the Proposition. This situation can only mean bad news, at least in the short run, for the desegregation effort and the heavily-financed monitoring bodies.

TABLE 9

CITYWIDE COORDINATING COUNCIL

BOSTON, MASSACHUSETTS

ESTABLISHED:	a) June 5, 1975	b) August 24, 1976
TERM:	a) August 24, 1975 - June 30, 1976	b) August 24, 1976 - August 31, 1978
SPONSOR:	Federal District Judge W. Arthur Garrity, District of Massachusetts	
SPONSOR'S CIVIL RIGHTS GOAL:	Statutory; Educational	
SPONSOR'S MANDATE TO MONITORING BODY:	a) "Foster public awareness of and involvement in...implementation of the court's desegregation orders,..be the primary body monitoring implementation on behalf of the court."[100]	b) "Court's prime agent in monitoring and nurturing desegregation by coordinating and supervising other monitoring bodies,...obtain, synthesize, and disseminate... accurate information pertinent to implementation of the court's desegregation plan."[101]
RESPONSIBILITIES:	a) "Work to develop the cooperative efforts of universities and colleges, cultural institutions and businesses and labor organizations with the Boston schools,... attempt to identify and resolve problems by mediation and conciliation,... act with awareness of the needs of non-English speaking groups and communities in the city,...bring unresolved problems to the attention of the parties, the Court or other appropriate persons,...communicate or publicize its views and recommendations to the public, the parties and the Court. The CCC will not co-manage or make policy	b) Scope was restricted to monitoring of citywide issues (e.g., vocational education, municipal finances) and to working with CDACs[102] "New emphasis on public information function of providing accurate and adequate information...with respect to the plan and its implementation."[103] Also focus on citywide community liaison and district council liaison-- e.g. facilitate involvement of all community organizations in desegregation process, and oversee CDACs

(Table 9 continued)

(responsibilities continued)	for the Boston Public Schools. Neither will it assume the responsibility of the Boston School Committee and the Superintendent and other defendants to carry out the Court's orders." [104]	
AUTHORITY:	a) Hold public meetings, conduct hearings, make written reports, inspect school facilities Parties shall cooperate and provide reasonable access to information [105]	b) Supervise and coordinate CDACs, especially their monitoring Hold elections of REPC members to CDAC and CPAC Oversee staff of CPAC to ensure its desegregation, strengthen CDACs generally [106] Rest same as before
STRUCTURE:	a) Chairperson (Arthur Gartland) Executive Committee (10) Subcommittees: Public Information (4) Community Liaison (5) CDAC Liaison (4) Education (8) School Liaison (7) Public Safety & Transportation (5)	b) Chairperson (Dr. Robert Wood) Subcommittees: Community Liaison (3) District Councils Liaison (3)
MEMBERSHIP:	a) Selected and appointed by Judge "White, black, Hispanic and Asian ethnic groups, parents,...persons from educational, business, labor civic, religious and community organizations" 107 Two members from CPAC, two members from RESC	b) 15 members, appointed by judge, by same criteria Student participation eliminated Number of parents reduced; designation of special parent representatives from each CDAC
STAFF:	a) Executive Director (Rev. Michael Groden) Deputy Director Administrative Assistant Court Liaison Monitoring Coordinator CDACs Coordinator	b) Executive Director (James Breeden) Associate Director (liaison with school department and court) Associate Director (for monitoring) Clerical Staff (4)

111

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(Table 9 continued)

(staff continued)	Public Information Coordinator Public Safety & Transportation Coordinator Community Relations Coordinator Bi-lingual Program Coordinator Clerical Staff (2)	
FUNDING:	a) $280,000 (?); paid by defendants	b) $100,000 in 1976-77 school year; paid by defendants[108] $270,000 in 1977-78 school year; paid by defendants[109]
MEETINGS:	At least once a month; subcommittees twice a month Agenda publicized; meetings open Meet with school committee and superintendent at least once a month	Eliminate provision on frequency Met bi-monthly
REPORTING PROCEDURES:	Monthly reports to the court and parties All reports public	Quarterly reports to court
OUTPUTS:	a) Annual Report, 1975-1976[110] Public forums in all 9 districts Analyses of proposed staff reductions "Accurate flow of information to the court on countless subjects."[111]	b) "Quality Education," Report, March 1977[112] Final Report, August 1978.[113]

(Table 9 continued)

CITYWIDE PARENT ADVISORY COMMITTEE

BOSTON, MASSACHUSETTS

ESTABLISHED:	October 4, 1974
TERM:	Open-ended
SPONSOR:	Federal District Judge W. Arthur Garrity, District of Massachusetts
SPONSOR'S CIVIL RIGHTS GOAL:	Social
SPONSOR'S MANDATE TO MONITORING BODY:	"To coordinate activities and disseminate information among school REPCs" [119] "[To be] the body exclusively composed of parents concerned with resolution of racial problems within the schools" [120] "Promotion of racial harmony and resolution of racial problems within the schools" [121]
RESPONSIBILITIES:	Supervise, support and coordinate local REPCs Work closely with community liaison subcommittee of CCC Monitor citywide aspects of court orders on student discipline Screen applicants for administrative jobs Disseminate information to REPCs. Liaison with other community groups
AUTHORITY:	Reasonable access to information from all parties equal to that of CCC and CDACs Receive information directly Request meetings with school committee and superintendent 4 times a year
STRUCTURE:	Co-chairpersons of each race Alternate by lot in presiding over meetings

(Table 9 continued)

MEMBERSHIP:	Two from each of nine districts, one black and one white, elected from REPC members Two Hispanic and two Asian-American parent representatives elected by citywide caucuses of parents of Hispanic and Asian-American students
STAFF:	Coordinator of monitoring (1978) Centrally located permanent office and staff with equal number of black and white employees
FUNDING:	Amount unknown, provided by school district; "new budget provisions" (as of 1978).
MEETINGS:	At its discretion (Superintendent of schools may attend but not vote)
REPORTING PROCEDURES:	Cooperate with REPCs and school personnel to produce annual report of progress for each school, to be consolidated by district and citywide
OUTPUTS:	Training workshops, other advice and aid to CDACs, REPCs.

(Table 9 continued)

COMMUNITY DISTRICT ADVISORY COUNCILS

BOSTON, MASSACHUSETTS

ESTABLISHED:	June 5, 1975
TERM:	Open-ended
SPONSOR:	Federal District Judge W. Arthur Garrity, District of Massachusetts
SPONSOR'S CIVIL RIGHTS GOAL:	Political (interest group model); educational
SPONSOR'S MANDATE TO MONITORING BODY:	"Provide a structure for community participation" [114] Monitor implementation of plan and obtain corrective action at school or at the level of the district superintendent [115]
RESPONSIBILITIES:	"Act as advisory group to district school department personnel and monitor implementation of the plan on the district level". [116] Monitor at the district level, on subjects such as education of students, repair and construction of facilities, transportation and safety, special educational programs, desegregation of students and personnel, involvement of other civic groups [117]
AUTHORITY:	Reasonable access to information from the parties
STRUCTURE:	Chairperson elected Members
MEMBERSHIP:	One council in all nine districts Maximum of 20 members, including 10 parents, 2 students, "representatives of teachers, police, school department administration, business, university, labor or community groups" [118] Parents and students elected by REPCs and RESCs Others nominated by CCC, appointed by court No more than half the members may be of 1 race

(Table 9 continued)

STAFF:	Secretary provided by each school district (1975) Coordinators and other staff (1976)
FUNDING:	Unknown amount; provided by school district (estimate - about $300,000?)
MEETINGS:	At least once a month
REPORTING PROCEDURES:	Send reports and bring unresolved matters to CCC
OUTPUTS:	Varied by district; some did systematic monitoring and reports and others concentrated more on advising schools.

(Table 9 continued)

RACIAL-ETHNIC PARENT COUNCILS

BOSTON, MASSACHUSETTS

ESTABLISHED:	October 4, 1974
TERM:	Open-ended
SPONSOR:	Federal District Judge W. Arthur Garrity, District of Massachusetts
SPONSOR'S CIVIL RIGHTS GOAL:	Political (grass-roots model); Social
SPONSOR'S MANDATE TO MONITORING BODY:	Investigate and recommend on racial problems in schools Create means of communication and promote understanding and common purpose among parents, students, teachers, staff "so that the best available education may be offered to all children" [122]
RESPONSIBILITIES:	"Provide mechanisms for concerned parents to address racial problems in their children's schools" [123] "Not intended [to] shoulder major responsibility for school safety and racial harmony,..[should] share common concerns [with] parents and students of other races [to] understand differences in views that have common roots" [124]
AUTHORITY:	Authority to visit school during school hours, send out pamphlets, propose modifications to student activity programs Access to school records and information from principal and staff
STRUCTURE:	Co-chairperson elected by members of each racial or ethnic group Chairpersons rotate by lot in presiding at meetings
MEMBERSHIP:	Elected annually by all parents of students attending schools Elementary schools: three from each racial or ethnic group Middle schools: four from each group High schools: five from each group Include Oriental or Hispanic representatives if more than 60 students in school (1975)

123

(Table 9 continued)

STAFF:	Part-time clerical or investigative assistance
FUNDING:	Expenses reimbursed by defendants School department services to be used before outside expenses made Now budget established by school department - amount unknown
MEETINGS:	At least once a month; agenda distributed in advance All but one member of each racial or ethnic group must be present for quorum (Give notice to school principal and faculty senate chairperson, who may attend but not vote)
REPORTING PROCEDURES:	To principal and CPAC
OUTPUTS:	Vary by school

(Table 9 continued)

RACIAL-ETHNIC STUDENT COUNCILS

BOSTON, MASSACHUSETTS

ESTABLISHED:	October 4, 1974
TERM:	October, 1974 - August 1976
SPONSOR:	Federal District Judge W. Arthur Garrity, District of Massachusetts
SPONSOR'S CIVIL RIGHTS GOAL:	Social
SPONSOR'S MANDATE TO MONITORING BODY:	To deal with racial tensions and problems at the individual school level "Share common concerns of...students of other races,[to] understand differences in views that have racial roots." [125]
RESPONSIBILITIES:	See REPCs
AUTHORITITY:	No access to school records
STRUCTURE:	See REPCs
MEMBERSHIP:	Elected annually by all students attending schools Middle schools: four from each racial or ethnic group High schools: five from each group
STAFF:	Unknown
FUNDING:	Unknown; probably none
MEETINGS:	See REPCs
REPORTING PROCEDURES:	Sent to principal
OUTPUTS:	Unknown

Resources of the CCC

Funding: The CCC, described by Judge Garrity in 1976 as "the Court's principal monitoring agent," had 1975 and 1976 budgets of $220,000 and $100,000 respectively, provided by the school district. The budget was to cover salaries and other expenses of the CCC, subject to the approval of Judge Garrity. It had sufficient financial resources and autonomy to accomplish its task.

Communications with School District: Relations between the schools and the CCC were initially hostile. District personnel refused to cooperate with the CCC at all in the beginning. In August 1975, it went to Judge Garrity seeking an order to require the district to release information to it. Although the president of the teachers union was a member of the CCC during its first stormy year, most teachers saw the CCC as the enemy.

The Executive Committee of the CCC met monthly with the School Committee and the Superintendent, according to one former member of the Executive Committee. The frequency and mandatory nature of those meetings was changed when the Council was reorganized.

After the CCC was reorganized, relations improved and the schools provided information more fully and willingly.

Communications With and Support From the Community: There was apparently little effective communication between the CCC and the community. The CCC received and passed on complaints rather unsystematically during its first year. It was set up to include members of all active and interested groups in Boston, so that members could act as spokespersons for their group to the CCC, and vice versa. In this way, its sponsor hoped, communications would flow freely to and from a wide spectrum of the community. This communication flow did apparently occur, but CCC members had such a wide range of views on desegregation that they communicated little among themselves. Thus the information

that came out of the CCC was less than optimally useful, and the information that came into the committee was not well used.

When the CCC was restructured and given entirely new members in its second year, communications within the committee improved, but links with outside groups declined. Its new members generally did not reside in Boston, or have close links with many Boston organizations.

In the community in general, there was little support for the CCC among blacks, and even less among whites. Many blacks and other desegregation proponents mistrusted the CCC, because they perceived its members to be wealthy, WASP, liberal suburbanites who did not truly understand or care about Boston schools. Many whites opposed desegregation, which they perceived the CCC as supporting; most whites who were active in school affairs belonged to or looked to the Home and School Association (HSA) for information about schools and desegregation; and Boston historically has been a system in which a high proportion of parents -- both white and black -- are simply uninvolved with the schools. Finally, Hispanic and Asian parents apparently offered the least support of all ethnic groups -- perhaps partly because the language barrier was often great.

Few business, civic, or religious leaders gave any worthwhile support to desegregation or to the CCC. With the exception of CCC members and perhaps a few others, "until recently the city's social and religious leaders have skirted the race issue,"[126] or even supported the anti-busers. Several respondents identified the vacuum of leadership among the religious and political leadership as the source of many of Boston's, and the CCC's, difficulties. Some businesses, universities, and cultural institutions have paired themselves (or been paired by Judge Garrity) with schools in order to enrich students' programs and offer them greater access to jobs and education. Although this activity indicates at least acceptance of desegregation, it had little effect on the CCC.

Media Coverage: The CCC failed to use the media effectively. It received considerable attention when it began, but it did not keep itself in the papers and in the public eye. It only scheduled one press conference, for example, and that one at the same time as a major speech by an important political figure. One reporter appeared.

Support Of Governments: Local governments, particularly the City Council, opposed desegregation and anything that had to do with it, such as the CCC. Although the Mayor did not take a stand against desegregation he did nothing to unite the city in support of it, and there is no indication that he gave the CCC any aid at all.

The state's Racial Imbalance Law precipitated much of the desegregation activity in Boston; state officials wrote the first plan to be implemented, and Judge Garrity named the State Department of Education as a defendant in the case. Nevertheless, we have no evidence of either support for or opposition to the CCC from state officials.

The Federal government, in the form of the CRS, was very influential in the formation of the CCC and other monitoring groups. CRS Regional Director Marty Walsh had a major role in presenting the idea to Judge Garrity, devising the structure of the first CCC, and choosing its members.

Clear Mandate: The Court's mandate to the CCC was clear; however, it was so broad that it left committee members too much room to dispute over what to do, and how to do it. Judge Garrity gave no specific guidelines on how the CCC was to "foster public awareness of and involvement in the process of implementation," or how and what it was to monitor. He established no organizational structure for the CCC, aside from appointing a Chairperson and subcommittee chairpersons, nor did he define the CCC's relationship with the schools, the media and the community. Combined with weak leadership, great diversity among members, and a devisive and emotional issue, this lack of

specificity in the mandate led to great confusion within the CCC, in the community, and in the schools about what the CCC's job was.

Commitment Of Sponsor: Judge Garrity gave the CCC no real power over the school district, and specified that it was not to "co-manage or make policy" for the schools, or "assume the responsibility" of the school committee or staff in solving desegregation-related problems. But the judge met with the group at least once a month during the first year, talked with members and/or staff almost daily during the first year, read all of their reports and communications, and responded to their recommendations.

Judge Garrity rarely told the Council what issues or areas to investigate, and it apparently acted independently of him as much as possible within the constraints of being perceived in the community as an extension of the court.

One former CCC member indicated that Council was free to ask for any kind of outside services it felt it needed but that the group rarely used any.

Member Commitment: Serious questions were raised, particularly by anti-busers, about the commitment of some CCC members to the Court's mandate. They alleged that the Council members were more interested in gaining political power for themselves or some group they represented than in monitoring desegregation implementation. On the other hand, the inclusion in the first CCC of opponents of desegregation, or at least of mandatory transportation, suggests that many members were not fully committed to effective implementation of the court order regardless of their political ambitions.

In the smaller, more homogeneous CCC of the second and third years, member commitment to the CCC mandate was more uniform. However, several former members reported that they began to perceive the CCC as ineffective, so their personal commitment declined.

Effective Monitoring Body Leadership: Respondents concur in describing the chair of the first CCC as a very personable man but weak leader. He was unable to pull the disparate elements of the Council together and stop them

from "retrying the case." He was unable to create a positive public image or to create and maintain an agenda. He did retain all CCC members' respect and affection, which may have been a major accomplishment under the circumstances.

The second CCC continued to have too many "rap sessions," and to reformulate its agenda over and over. It was,however, led more effectively and accomplished more tasks. Until the fall of 1980, its chairman, Robert Wood, was superintendent of schools, and its executive director, James Breedon, directed the Office of Planning and Policy. Dr. Wood was dismissed by the BSC in a budget dispute.

CCC members did not receive training in monitoring or in the provisions of the court orders and desegregation plan, despite their monitoring and public education mandates.

Resources of CPAC, CDACs, REPCs, and RESCs

Funding: The remaining three monitoring bodies (the CCC has been formally disbanded, and the RESCs are skeletal at most) have had, up to now, no funding or staff shortages. They have a joint budget of over $600,000, part-time staffers in each school, and full-time staffers at district and citywide levels.

Communications with School District: Relations with the schools are just as difficult as relations between the district and the CCC were. One former CCC member described the CDAC - school district relationship as adversarial, although Judge Garrity had envisioned the CDACs particularly as entities for fostering good school-community contacts. However, some district and local councils have friendly, helpful, and open relationships with their particular schools.

Two recent incidents may indicate changes ahead for school - monitoring body relations. In the first, one of the nine CDACs attempted to monitor the "educational climate" of several schools, using monitoring forms and styles of behavior that the schools found unacceptably threatening. The controversy reached Judge Garrity, who ordered the two sides to reach a formal

agreement. They have done so, with privileges and safeguards at least minimally acceptable to both sides. Respondents hope that when the anger on both sides dies down, this incident will have created the foundation for a solid working relationship.

In the second incident, CPAC and the CDACs for the first time joined the teachers union and HSA against the school administration in a dispute over school closings and facilities planning. The details are extraordinarily complicated, and participants disagree about how much the monitoring bodies and school bodies were mutually supportive, but everyone sees this action as a radical departure from formerly adversarial relations.

Communications with and Support From the Community: The REPCs, CDACs, and CPAC have had a difficult time attracting parents and communicating with the community. Less than 5% (some claim less than 1%) of Boston parents are represented on the councils, and only a handful of parents vote for their school representatives. Hispanics and Asians have an even lower participation rate. For example, in the October 1975 elections for the REPCs, "letters announcing the election were sent to 80,000 parents, [but] less than 3,000 parents turned out to vote. Only 1,326 of the 2,000 council seats were filled."[127] Supporters and opponents generally concur that building a constituency is the most important task of the REPCs and CDACs.

There are several reasons for opposition or indifference. First, these bodies are intimately connected with a desegregation order that many whites and some blacks vehemently oppose. Second, the groups opposed to desegregation (ROAR, Restore Our Alienated Rights, in particular) and sometimes the HSA had a headstart in organizing the white community against busing and against "radical" parents groups. Third, one white parent explained the lack of support as fear of traveling into areas that were "in the territory" of the other race. This parent also felt that parents are apathetic, whether

because they truly do not care, or have learned that the school system does not respond to demands for change except under extraordinary pressure. Fourth, some respondents claim that minority parents have a very difficult time dealing with white parents who often participate on the councils so that they can minimize the negative effects of desegregation on their children. As one person put it, "what black mother wants to stay in a group where the other mothers are talking about all the bad things that have happened to their children because of desegregation?" Finally, the groups now have a reputation as being full of "rabble-rousers" "crazies," or people seeking personal power or revenge.

A new development may cause changes in this situation over the next few years. In several REPCs, and one CDAC in particular, opponents of busing are beginning to try to place their supporters on the councils. If this trend continues, it would increase community support, but decrease the desegregative thrust of the councils.

Media Coverage: The CDACs and CPAC never captured the attention of the press to the extent that the anti-busing groups were able to, although they were effective in using the media in some individual instances.

Government Support: Local, state, and federal governments relate to the lower tiers of the monitoring structure as they did to the CCC. Local and state governments mostly ignore them, but the federal government's CRS has been involved in formulating and organizing these groups.

Clear Mandate: Judge Garrity intended that the parent groups deal primarily with racial-ethnic conflicts and problems of desegregation implementation. He devised them to be a counter to the HSA and a location where different races would be induced to deal with each other, not to be actual monitors. However, his mandate was very general, and they, like the CCC, have floundered, wondering what they are supposed to do and how the different groups are to relate to each other.

The proper relationships among the remaining tiers is especially murky. The judge apparently intended CPAC to oversee the REPCs, and the CCC to oversee the CDACs. However, when the CCC was disbanded, CPAC took over many of its responsibilities, especially for monitoring, and has tried to take over its oversight role over the CDACs. Most CDACs resist, however, and there are tremendous internecine battles among the tiers over control of budget, staff direction, monitoring, and agenda-setting. All of this bureaucratic in-fighting could perhaps have been avoided had each group been given a clearer mandate, and had the relationships among them been specified from the start.

Commitment of Sponsor: Judge Garrity required each school to have an REPC and each district to have a CDAC; that in itself has provided at least the forum for more community leverage over the schools than existed previously. He gave the councils no specific powers, although some have become extremely influential in hiring and transferring staff and in certain other school policies. The groups are autonomous in deciding what they will do and how they will do it, except to the degree that CPAC controls the CDACs, and the CDACs control the REPCs. Judge Garrity has had much less contact with the REPCs, CDACs and CPAC than he had with the CCC, again with some exceptions.

Member Commitment: Some members, at least according to observers, are using the parents' councils as stepping stones to greater political offices, forums for attacks on school personnel against whom they hold personal grudges, settings to work out their own psychological problems, or simply ways to earn money as part-or full-time staffers. On the other hand, many members whom we spoke with or heard about have remained dedicated, under almost insuperable odds, to desegregation and improving the education for their children. There is no doubt about member commitment; it is not clear that all members are committed to the same goals.

Finally, given the unclear mandate, variations in types of members, motivations, and particular local conditions, individual REPCs and CDACs have adopted very different styles of operating and subjects for investigation.

Effective Leadership: We cannot draw general conclusions about leadership, because each tier, district, and school has a different experience. We can note that no one has been able to get control over the inter-council competition, and few have been able to attract a substantial constituency.

Strategies

The CCC tried, not very effectively, to do systemwide monitoring. During its second phase, elaborate monitoring forms were drawn up, and the first round of investigations was completed, analyzed, and publicly presented.[128] However, relations between the CCC and the CDACs (who were to oversee the actual monitoring), and between both groups and the schools were sufficiently strained that no further system-wide monitoring took place. When the CCC was disbanded, the monitoring function was passed on to CPAC. At present, the degree of systematic monitoring varies by district. Some of the nine CDACs and their REPCs do a considerable amount of monitoring; others do not. There has been some move to change from a focus on questions of legal compliance -- "bean counting" -- to more qualitative questions of educational quality and climate.

The CCC did not perform its other main function, community education, very effectively mainly because of internal problems. It did not develop much sophistication about using the media, nor did it hold enough public forums or produce materials for distribution within the community to have any noticeable effect.

The first CCC did perform one function that perhaps was all it could do, given the racial climate in Boston in the early 1970's. It did get members of involved groups into the same room, talking with one another. They expended most of their energy in arguments, but perhaps the simple symbolic

effect of the existence of a monitoring body was all that could reasonably be expected that year.

The parents' councils have chosen to combine monitoring with more direct advocacy of change. They seek to participate in school decisions as well as to convey information to the schools and to the community about actions taken by the school system. Thus their relations with the school system have been, and continue to be, very tense. Many school personnel, even those sympathetic to their efforts, describe them as too powerful and too disruptive. They lack the professional expertise and perhaps the style of behavior that would give them credibility with the school system. Their members are also so angry at past injustices and concerned about their own children, that they are often unwilling to participate in slow and deliberate negotiation. One result of this behavior is a serious "burn-out" problem, both among school staff and parents. Parent councils are now choosing to focus more and more on improving educational quality instead of monitoring implementation of racial balance strategies. Quality of education is part of the desegregation plan so the new focus does not imply abandonment of the original mandate.

Outcomes

Even with its limits, the CCC had some positive effects. It did gather some information and convey it to the judge and as one respondent put it, it "changed the judge's impression of some things. If the CCC agreed on one thing he generally went along." It also "made the public more aware of what was going on in the school buildings, got media attention to some positive things that were happening in the schools, improved public information, and issued reports which in some way made the judge's job easier" by confirming problems in the school system. Some saw it as the "only credible source" of data.

The main outcome of the parents councils is to increase participation in the schools, and to open up what had been an extremely closed and inward-looking system. Schools which only a few years ago were literally locked up

to prevent outsiders from coming in are now forced to deal with people who are not fellow educators, who have different cultural backgrounds, and who perhaps are making more demands for their children than the schools are used to. In some REPCs parents are significantly involved in hiring teachers and staffs; in some REPCs people of different racial or ethnic backgrounds are learning to work with each other. There is no obvious improvement in educational achievements resulting from the parent councils' increased emphasis on education, but that can hardly be described as a failure on the part of the councils. There is, however, a clear sense among participants, and among opponents, that the parent councils have created a base of operation for formerly powerless blue-collar and/or minority citizens; how much they can expand participation and contribute to improving the schools is still not clear. [129]

F. Office of School Monitoring and Community Relations in Cleveland, Ohio

Litigation began on December 12, 1973 with the suit by a black student against state and Cleveland school officials. On August 31, 1973, Judge Frank J. Battisti of the Northern District of Ohio, Eastern Division found in Reed v. Rhodes [130] the defendants guilty of "a deliberate and conscious desire to create or perpetuate a segregated condition." [131] Since then, the defendants have fought in various ways to have Judge Battisti's orders vacated. They obtained a stay to halt desegregation planning, obtained a Sixth Circuit ruling which ordered Judge Battisti to review the liability finding in light of the Dayton school case, and so on. The case is still being litigated. In an order issued July 25, 1980 the Judge found the school defendants in civil contempt, and placed the schools in partial receivership. Donald Waldrip was named desegregation administrator in the fall of 1980. He had been superintendent of schools in Cincinnati from 1972 to 1976, before forming a consulting firm on desegregation. [132]

Despite the legal battles, desegregation began in September 1979, when Phase I desegregated 22,000 students in 33 schools in three clusters. Phase II began in February 1980, and desegregated all junior high schools. Phase III began in the fall of 1980, and desegregated the remaining four clusters.[133] There were no incidents of violence at the beginning of the first and second phases, although there were transportation foul-ups and other start-up problems.

Desegregation has been severely affected by the schools' and city's severe financial problems. Judge Battisti did a careful study of the financial crisis, and satisfied himself that desegregation was not causing any additional fiscal difficulties for the schools. He also looked at the financial crisis in order to satisfy himself that the fiscal difficulties had not been created or complicated by the school system's attempts to avoid desegregation.

Opposition to desegregation is strong and continuing, for several reasons. First, Cleveland is similar to Boston in that a large proportion of its residents live in close, inward-looking white ethnic neighborhoods. Second, people are deeply discouraged by the fiscal problems, teacher strikes, low achievement scores, physical plant decrepitude--"a general education disaster" -- that they have no heart for an apparently expensive and disruptive program. Third, the school administrators are locked in a battle with Judge Battisti, so that if they ever were operating in good faith to desegregate they are not doing so now. As one observer put it, "the whole desegregation process has degenerated to a vicious personality dispute and a challenge to the judicial powers of U.S. District Judge Frank J. Battisti."[135] Finally, few community leaders have demonstrated strong public support for desegregation, but the anti-busing group Citizens Opposed to Rearranging Kids (CORK) has been highly vocal and active.

The schools may be entering a new phase of problems in 1981. Just seven weeks into its new budget year, in February, the school system projects a $46 million deficit by the end of 1981. Its budget allocation is $205 million for the year. Dr. Waldrip is simultaneously urging Judge Battisti to place the system under a full Federal receivership. He fears that cuts in staff and other expenses to balance the budget will have disproportionately severe effects on the desegregation process. For example, most curriculum improvements have come as a result of the court orders; if curriculum expenditures are cut, black schools and students will lose what they have gained recently, according to Waldrip.[136]

In 1977, Cleveland had 119,500 students, of whom 58% were black and 3% were Hispanic. In 1972, there were 145,200 students, with the same percentage of blacks and 2% Hispanics. Two thirds of the system's students come from families with incomes below official poverty levels. [136a]

The court established the Office of School Monitoring and Community Relations on May 4, 1978.[137] It is described in Table 10.

TABLE 10

OFFICE OF SCHOOL MONITORING AND COMMUNITY RELATIONS

CLEVELAND, OHIO

ESTABLISHED:	May 5, 1978
TERM:	July 1, 1978 - June 20, 1981 or "as long as the Court retains jurisdiction over this case."
SPONSOR:	Chief Judge Frank J. Battisti, Northern District of Ohio, Eastern Division
SPONSOR'S CIVIL RIGHTS GOAL:	Statutory; Educational
SPONSOR'S MANDATE TO MONITORING BODY:	"To observe, assess, and report on the progress of desegregation of the Cleveland Public Schools and to foster public awareness and understanding of the desegregation process." Advisory Commission: "To provide the OSMCR with a community based source of constructive views on community needs related to school desegregation, on the activities and plans of OSMCR...and on the range and effectiveness of programs undertaken by the OSMCR."
RESPONSIBILITIES:	OSMCR: Gather and convey reliable information to Court to indicate whether remedies are effectively implemented and/or need revision Act as official source of accurate and easily accessible information for public Advisory Commission: Review OSMCR reports before filed with Court Conduct public meetings to receive and convey information to community Advise OSMCR generally
AUTHORITY:	Request information from school officials Visit or place personnel in schools

(Table 10 continued)

STRUCTURE:	Director appointed by Court (Dr. Leonard Stevens) Deputy Directors (4), heading Divisions: Legal Affairs and Community Relations School Services Review Educational Opportunities Review Administration and Training Press Secretary Volunteer School Monitors Advisory Commission Chairperson appointed by Court (Daniel Elliott, Jr.) Vice Chairperson (Christine Randles) Panels: Legal Affairs and Community Relations School Services Review Educational Opportunities Review Administration and Training School Finance
MEMBERSHIP:	21 member Advisory Commission, of "respected persons in the community" including business, labor, community, and education leaders, professionals, members of the public at large Appointed by Court for indefinite terms Voluntary; racially diverse
STAFF:	Director: full-time, salaried, appointed by Court Four Deputy Directors: full-time, salaried professionals appointed by director and approved by Court. Each heads a division, and reports to the director. Administrative technical, secretarial, clerical staff "as necessary"-about 15
FUNDING:	George Fund Foundation and ESAA Grants, 5/78 -7/78: spent $44,500 ESAA Grant 7/78 - 8/79: spent $565,000; 9/79 - 7/80: spent $561,400; 7/80 - 6/81: $712,900 avail To extent funds not available from other sources, defendants pay OSMCR expenses abl
MEETINGS:	OSMCR: full-time activity Advisory Commission: full commission meets at request of Chair, about once a month Panels meet "during the interim"-about every 2 weeks

(Table 10 continued)

REPORTING PROCEDURES:	Formal written reports submitted to court and made public Also fact sheets, report summaries, press releases, speeches and interviews by Director, etc.
OUTPUTS:	Over 20 reports [138] Provide information to and conduct briefings for parents, community groups, schools and media [139] Organized Student Advisory Panel

Resources

Funding: Because of its ESAA grant, the OSMCR is probably the best funded of all the monitoring groups we studied. It appears to have no financial difficulties in either level of funding or spending discretion. One observer pointed out that it has had difficulty inducing the schools to apply for ESAA funds.

Communications with School District: OSMCR's relationship with the schools has been, and continues to be, one of the most antagonistic that we have seen. OSMCR members refuse to meet with school personnel, respond to their invitations, or make recommendations to the schools. School personnel refuse to communicate with monitoring group members or even read their reports. School staff complain that OSMCR requests for information are unreasonable and often miss the point, but that monitoring staff will not listen to any suggestions. OSMCR staffers complain that the schools try to delay and evade giving out information. All in all, the relationship could hardly be characterized as workable. There is no question that the school administration sees the OSMCR as the enemy.

Information and Support from the Community: As in most school systems, few parents strongly support desegregation or the work of OSMCR. Parents lack understanding of the monitoring committee's role, as well as of the desegregation process in general. Public attendance at Advisory Commission meetings is low. The Committee has tried to counter this problem by disseminating over 100,000 pieces of printed information ranging from brochures and fact sheets to detailed reports. It has extensive media briefings, and responds to all invitations to speak from community and school groups. It claims that "the parent information effort in Cleveland is noteworthy," and that as a result "relative to the nation, Cleveland's public probably is as well-informed -- or no less informed -- than the public in the most enlightened of places." However, observers comment that the OSMCR does not seek out community comments and opinions except through its Advisory Commission and student Advisory Panels. They see little support for OSMCR among community organizations except for those

with a member on the Advisory Commission. Some people, in fact, see the OSMCR as rather elitist and removed in style and outlook from most Cleveland citizens.

There is dispute about the role of the business community vis a vis OSMCR. One respondent claims that "many" business leaders refused to be on the Advisory Commission because it required public acceptance of desegregation. Another claims that only two executives declined appointment, but that most others have avoided the issue and so have not developed the expertise desirable in Advisory Commission members. Most civic and political leaders remain uninvolved.

Finally, OSMCR is planning perhaps to conduct a parent attitude survey, which might bring it into closer contact with the many parents who have not approached it.

Media Coverage: One staff member described OSMCR-media relations as "terrific." The full-time press secretary has worked as a journalist locally, and she spends a great deal of time interacting with the local press. Editorials are now less opposed, or even favorable, to desegregation; journalists' reports about desegregation are more accurate; and more attention is focused on the schools than ever before. OSMCR reports receive broad coverage on radio and in newspapers, and are often accompanied by an interview of Dr. Stevens.

Support of Governments: Local and state governments have not been involved with the monitoring committee, although the present Mayor has given it some support. OSMCR members apparently did have some contacts with the federal government through Community Relations Service personnel, and the OSMCR is federally funded.

Clear Mandate: Judge Battisti's mandate to the monitoring committee was very clear, and staff members clearly understand it. If there are any questions, they are quickly resolved because of constant and close communications between the judge and the OSMCR director.

Commitment of Sponsor: Judge Battisti seems very committed to OSMCR. He carefully consulted with Dr. Stevens before setting up the committee and choosing other staffers. He is in very close touch with the OSMCR, and all actors in the process believe that the judge will exert his power on the Committee's behalf when necessary. Rumors circulated for months that Dr. Stevens would be appointed as receiver of the school system. The rumors proved false, but their existence indicates the strength of the perception of closeness between judge and committee.

Member Commitment to Mandate: Advisory Commission members have been described as varied in their commitment to the implementation of the plan and to their role. Some wish to take a more active role in implementation and want the staff to be more activist. Others do not participate much even in their current advisory role. Still others find the role satisfying and valuable. The Staff, the Director and the four Deputy Directors are especially committed to the OSMCR and their morale is high. They see themselves as the staff of the court and their role as essential to smooth implementation of desegregation. Both the members of the Advisory Commission and staff members concur in defining their mandate as only to observe and report, not to make recommendations or help in the implementation of school desegregation.

Effective Leadership: Dr. Stevens is described by all respondents as extremely intelligent, powerful, and dedicated to his job. He is seen as the force behind the unusual structure of the OSMCR, its high level of funding, its professionalism and high morale, its close contact with Judge Battisti--and its adversarial relations with the school system. He is a strong advocate of maintaining an arm's length relationship with school staffers, and sees any school overtures as attempts to co-opt rather than co-operate. He cannot be blamed for the atmosphere of armed camps, since the history of litigation and the whole desegregation process is extremely bitter in Cleveland. However

the very strength of Dr. Stevens' personality and commitment to his role may inadvertantly exacerbate the hostility between schools and court.

Provision for Training of Monitoring Body Members: Volunteer monitors are given three days of training in the legal requirements of Judge Battisti's orders and on how to monitor carefully and objectively. They also receive periodic retraining. The OSMCR professional staff are highly trained, and most have post-graduate degrees. They are generally perceived, probably correctly, as more highly trained and more capable than their school system counterparts.

Strategies

Data Collection: OSMCR sees itself as an objective data-gathering agency, whose job is to act as the judge's staff and monitor his orders. They make no recommendations to the judge or the schools, and they will take no part in planning or implementing changes. The OSMCR has an extensive set of volunteer monitors with well-developed monitoring forms and techniques. It also conducts computer analyses of school system data. It does not solicit complaints from community members, and it focuses more on quantifiable than on qualitative measures of compliance. It decides what to investigate from its own judgement, Advisory Commission suggestions, and Judge Battisti's requests.

Relations with the School System: As indicated above, relations are terrible. It is not clear from the outside exactly why this is the case, or whether it is necessary. OSMCR staff regret the atmosphere of armed camps, but insist that they must resist any overtures from school personnel because such overtures are merely attempts at cooptation. If they participate in planning remedies or even sit in on school planning sessions, they become implicated in the results and can no longer monitor them. They claim, and some evidence bears them out, that school administrators are at best incompetent

and at worst flatly unwilling to desegregate; therefore they must be forced to, or they must be replaced with administrators who can and will. The OSMCR sees its role in this "game of hard ball" not as participating, but as providing coaching so that the "right" side will win.

OSMCR also explains its refusal even to observe school planning efforts as a requirement of its court order to "monitor" the schools, not to work with them. One staffer claims that "for this office to reach beyond monitoring and to enter a direct 'participating' role would be to bend, if not violate, a Court Order." This argument may, however, be a bit disingenuous; other monitoring bodies with similar mandates have been more involved with the school systems without legal repercussions. Furthermore, Dr. Stevens was, by report, closely involved with the formulation of the court order by which he sees himself as bound. Thus the order may be not only a directive to OSMCR, but also a justification for its preferred role.

School administrators and sympathizers explain the adversarial relations differently. They describe OSMCR staffers either as former school personnel with private grudges or as do-gooding outsiders who see themselves as superior and refuse to recognize the realities of a poor inner city school system. They feel threatened, defensive, and overburdened; in one person's words, "what gives them the right to walk in, tell us what's wrong, and walk out again? We know what's wrong, we've known for years. What we need is help, not a scolding."

We cannot judge which side is "right" in this controversy. We suspect that both are somewhat justified, but that the main phenomenon now occuring is two self-fulfilling prophecies. That is, the schools <u>are</u> now more recalcitrant in response to OSMCR's criticisms, which makes OSMCR even more critical. Similarly, OSMCR is more aloof and rightous in response to school system failures to comply, which makes the school system even less willing and able to comply. Both sides

are caught in a trap of mutually reinforcing negative viewpoints and behaviors.

Membership Composition: Cleveland is the only school district in which the paid full-time staff is intended to dominate the public members. The staff has the professionals needed to conduct studies and write reports as the model statutory monitoring body in Table 1 describes. The Advisory Commission a more political group; it is intended both to bring outside interest groups into the schools and to give an official voice to formerly ignored parents and minorities. It is clearly only advisory; it makes suggestions to the staff, reads and comments on reports, and provides some expression of community concerns and desires. This organizational structure seems to work well, given that the main monitoring body mandate was statutory.

Outcomes

OSMCR provided information to the Court prior to and through implementation. As one of the few court-ordered monitoring panels established before desegregation was to begin in a district it was able to "give the Court factual information on desegregation planning and preparations of the School District, and to gather pre-desegregation data against which post-desegregation data can be compared." [141] Judge Battisti and others have publicly commented on the great value of having a base line to which post-implementation actions can be compared. Although it is difficult to say exactly what impact the OSMCR has because it makes no specific recommendations, it seems clear that Judge Battisti relies heavily on it both for specific information (e.g. about transportation planning, community education, faculty training) and in forming his general perspective on the schools. The special master, Daniel McCarthy, also relied on OSMCR information in his recommendations. Most importantly, the extensive hearings held in the spring of 1980 and the eventual appointment of the Desegregation Administrator were clearly influenced by the steady stream of impressive and critical OSMCR reports on the schools' implementation efforts.

OSMCR has also provided extensive information to the community and even to

school personnel on the reasons for desegregation and the extent of segregation which existed in the Cleveland Public Schools. The schools are now more open to the community, in the sense that some efforts at accounting for their policies and decisions must be made, than they have been in several decades. Reports from the many new observers are almost always negative, but critical information may be the first step in improving a dismal situation. Optimistic respondents argue that thanks partly to the OSMCR, parents as well as reporters and community activists are beginning to demand policy changes and better education programs.

We have already noted the improved accuracy and declining opposition to desegregation in the Cleveland media, a change which seems largely attributable to the OSMCR. Finally, several respondents described specific changes that stemmed mostly from OSMCR reports. They included halting a process of resegregation within classrooms in desegregated schools and making sure that unused schools were safely secured against illegal entry.[142]

G. Los Angeles Monitoring Committee in Los Angeles, California

Litigation began in the state courts in 1963 (Crawford v. Board of Education). After a finding of segregated schools in 1970, the California Supreme Court ordered the Board to desegregate in 1976.[143] The first plan that the Board submitted was rejected as inadequate by the Los Angeles Superior Court in 1976. Judge Paul Egly then gave qualified approval to a plan that would affect 65,000 students in grades 4-8 (out of a total of 578,000 students.) The plan called for voluntary desegregation mainly through magnet schools. It also mandated voluntary pairs and clusters among schools.

After further revisions including some mandatory busing, the plan was implemented in September 1978 without any serious problems. However there has been considerable white flight since then and litigation continued. The school district appealed the mandatory busing of 38,000 students, and the

NAACP sought a more stringent mandatory plan to replace the school district's 1978-80 plan. Everyone agreed that that plan was a failure.[144]

Judge Egly handed down his final desegregation plan on July 7, 1980.[145] It divided the huge Los Angeles school district into 11 subdistricts, according to geography, racial and ethnic balance, size, and feelings of "community." Extensive computer simulations by Special Monitors Edward Hamilton and Francine Rabinovitz were to determine the amount of desegregation possible within each subdistrict. The plan then required that 90% of that maximum possible desegregation be implemented within each subdistrict. The court order had complex formulae for defining desegregation according to how many blacks, whites, and Hispanics the subdistrict contained. The multi-ethnic definition, however, was later overturned by the District Court of Appeals and "rough equivalence" was substituted for it.

All parties were dissatisfied with the order, and immediately planned appeals. The school district disliked the new "arbitrary" subdistricts, which did not correspond with its own administrative subdivisions, but it based its appeal on Proposition I. (Proposition I, approved by California voters in 1979, held that California should not apply stricter criteria for determining if schools were intentionally segregated than the federal government used. It was intended to be, and has turned out to be, an "anti-busing amendment.") The plaintiffs objected to the fact that most blacks and Hispanics, and virtually all poor blacks and Hispanics, were left in subdistricts that could not be desegregated because they contained no whites.[145] The court order provided for extra funds for these Racially Isolated Minority Schools (RIMS) to improve the quality of education they offer, but Judge Egly concedes that they will remain segregated. As his defenders put it, " There simply aren't enough whites to go around."

Los Angelenos were not pleased with the mandate to desegregate in most cases, but there were few eruptions of anger. Bustop, the main organization opposing busing, worked to "keep the crazies out of public sight," and tried to channel

opposition through school board elections (its main lawyer is a member of the board), Congressional politics (Bobbi Fiedler, the main anti-busing spokesperson on the school board, was elected to the House of Representatives in November 1980), and litigation.

On December 19, 1980, the Court of Appeals for the Second District (a state court) ruled that Proposition I was constitutional, and that mandatory busing for desegregation purposes was not required in the Los Angeles city schools. Their decision was not to take effect until the second semester, in February 1981. They ruled that it had not been proved that the school district had taken deliberate actions in the past to segregate the schools. The school board characterized the ruling as a "complete victory" for the district; the ACLU was "disappointed but not surprised," and promised to appeal to the state Supreme Court and federal courts if necessary.

Los Angeles has been described as "by far the most complex American city to face school desegregation."[147] Its demographics "are bouncing all over the place," as one respondent put it. In 1979, there were over 500,000 students, including 27% whites, 23% blacks, 39% Hispanics, and 8% Asians.[148] It is the largest district that has ever been ordered to desegregate. Approximately 72,000 Anglo students left the public school system between 1975 and 1979, although not all of these families were fleeing desegregation.[149] The Hispanic population, including undocumented aliens, is growing tremendously; one respondent described a school that went from 4% to 90% Hispanic in four years. The area is geographically huge, crosses a mountain range, does not include small areas within its boundaries, and has a long narrow "tail" physically separated from the rest of the district. It contains rural canyons and farms, nouveau riche suburbs, and Watts. It is the fourth largest local government in the United States (after New York City, New York City School district, and the County of Los Angeles.)

All of these factors immensely complicate the desegregation task.

The July 1980 court order also provided for two special monitors to oversee implementation. This addition will certainly change the role of the existing monitoring body although no one is quite sure how at this point. The original monitoring committee and the new special monitors are described in Table 11; the former is in column (a) and the latter in column (b).

TABLE 11

LOS ANGELES MONITORING COMMITTEE

LOS ANGELES, CALIFORNIA

ESTABLISHED	a) May 3, 1978	b) July 1980, Final Order
TERM:	a) Indefinite	b) Throughout planning and implementation stages of Final Order
SPONSOR:	Superior Court Judge Paul Egly, Superior Court of State of California, Los Angeles County	
SPONSOR'S CIVIL RIGHTS GOAL:	Statutory; Educational (equal opportunities model)	
SPONSOR'S MANDATE TO MONITORING BODY:	a) "To aid the court-appointed referee" (Monroe Price) by "taking all necessary steps to observe and report the district's desegregation activities" [150]	b) To aid court in gathering information, be the 'eyes and ears' of the court
RESPONSIBILITIES:	a) Receive public acceptance and input by keeping public informed about activities Recruit, train, define responsibilities of school-site observers Evaluate data gathered by monitors	b) Observe planning, budgeting, administrative activities undertaken in preparation for implementation Interpret court's orders to parties Receive data from school district necessary to fulfill their responsibility Report to court on progress of implementation and on proposed changes to plan, and make recommendations to court on these changes Prepare independent reports to court

(Table 11 continued)

AUTHORITY:	Receive data from schools Access to schools	b) To recommend delay of school district actions until court can review them To convene meeting of named district personnel Possibly to set budget, hire staff, and determine focus of Monitoring Committee
STRUCTURE:	a) Chairperson (now Millicent Cox; Roger Noll until Summer, 1979) Vice Chairperson (Trudy Hatter) Subcommittees: Voluntary Integration Plans & League Assignments Magnet Schools and Centers Currently Integrated Schools, Permits and Transportation Racially Isolated Schools Budget and Evaluation Staff Development and Personnel Management Specially Financed Programs Public Information and Community Relations First 4 subcommittees coordinated by Vice Chairperson Last 4 subcommittees coordinated by Chairperson	b) Special Monitors - Edward Hamilton and Francine Rabinovitz Monitoring committee as it previously existed will continue but will report directly to special monitors
MEMBERSHIP:	a) 12 members Volunteers, appointed by Court Broadly representative of Los Angeles community Impartial in regard to the issue of desegregation Representation of 4 ethnic groups (whites, blacks, Hispanics, and Asians)	

(Table 11 continued)

STAFF:	Executive Director (now Thomas Woods; Helene Smookler until 1979) Deputy Directors (2 originally, now 3) Administrative Assistants (1 originally, now 2) Clerical Staff (2)	b) Will use staff of their private consulting firm, Hamilton-Rabinovitz, Inc. (including Helene Smookler)
FUNDING:	a) Federal grant to be administrated through office of Superintendent About $150,000 per year	b) Comprehensive budget compiled to be paid by District. Budget to cover reasonable fees for special monitors plus necessary costs and expenses of special monitors and monitoring committee.
MEETINGS:	a) Office in Hall of Records Third Tuesday of each month Meetings are open to public	
REPORTING PROCEDURES:	a) Written reports	b) Independent reports and proposals to be made to court
OUTPUTS:	a) 15 reports submitted to the Court, parties and the Referee[151] (note: Referee no longer on Court Staff after July 7, 1980)	

Resources

Funding: The Monitoring Committee has apparently had no problems either obtaining enough funds or obtaining discretion to spend them as they saw fit. Some members are concerned that the new special monitors will take control over the amount and allocation of the Committee budget, and that the Committee will thereby lose its prized autonomy.

Communications With School District: There have been some conflicts between the Committee and the school district but the Committee has generally gotten the data it requested and access to district facilities and information. Some district personnel even describe the Committee as helpful. Committee members claim that they have considerable support among teachers and some local superintendents. They prize these contacts highly and keep them confidential.

Communications with the Community: There has not been a great deal of communication between the Committee and the Los Angeles community, to the great dismay of some members. Some members have close ties to community groups, but most black and Hispanic members are elites, not grass-roots representatives. In addition, we received suggestions that community residents, and a few Committee members -- minority and white --felt awed by the Committee professionals. These professionals, in turn, did not believe that their main mandate, or their main skills, lay in the area of community relations. Both the special monitors and some Committee members plan to strengthen Committee ties to the community in the next several years. The Committee will probably appoint more grass-roots activists and fewer professionals. Its members will spend more time observing schools and receiving parent comments and complaints and less time analyzing school district data.

The business community has also not been very supportive. Several business and civic leaders refused Judge Egly's request to participate on the Committee, apparently because the desegregation issue is too controversial.

Religious and social organizations also have not been very involved with the Committee except through their members who are also Committee members. Some of these groups have, however, worked for the peaceful implementation of desegregation.

Media Coverage: Most respondents believed that the Monitoring Committee had a positive relationship with the media and that the media were kept well-informed of Committee activities by its staff. Los Angeles has excellent education reporters, at least in the print media if not in the eleetronic media.

Government Support: Local, state, and federal governments had little involvement with the Committee, but there was a lot of informal interaction at all levels. CRS held training sessions for the volunteer members when the Committee was established. Some remember it as helpful; others saw it as not particularly effective and even slightly counterproductive.

Clear Mandate: Most respondents, both on and off the Committee, felt that Judge Egly did not give the Committee a clear mandate, and that this lack caused problems for everyone. Committee members disputed fiercely among themselves about their proper role; school personnel disputed some Committee claims of their rights in the school system; and the judge himself has been displeased with some directions the Committee has taken. Issues raised by many include:1)Should the Committee conduct systemic, aggregate data analyses or do intensive, qualitative studies of particular schools and issues? 2) Does the Committee have the right to evaluate the merits of the desegregation plan itself, or should it only monitor its implementation? 3) Should it make strong recommendations and give strong evaluative comments, or should it only report and draw narrow conclusions? 4) How should it determine what to investigate, and what to conclude from its investigations--by consensus among all members, or by research canons of social science? 5) What procedures should it use to hire and dismiss staffers, to add public members, and to

change leaders within the Committee? 6) Who should dominate--public members or staff? 7) What subcommittees should it establish, and who should be on them? All of these issues deserve careful attention; no position on any one of them is clearly right or wrong--and all of them could have been resolved much more easily if the Committee's mandate had been clear from the start or clarified early.

One person formerly involved with the Committee, however, pointed out that lack of clarity in the mandate "had distinct advantages as well. The Committee has been able to look into areas no one could have delineated ahead of time." It has also avoided the frustration of being given a task or structure that it felt was inappropriate.

Sponsor's Commitment: Judge Egly, like many of the judges who preside over school desegregation cases, did not have a clear sense of what a monitoring committee was and what its function should be when he set it up. He appointed the monitoring committee at least partly because he thought that was what he was supposed to do.

Judge Egly has, however, relied heavily on some Committee reports in setting up and conducting hearings. He has had very close communications with some members and staffers and respondents generally concur that he has found the Committee useful in drawing conclusions about the desegregation process before the new plan of July 1980. Some Committee members fear that the new provision for special monitors will decrease the Judge's reliance on the old Committee; that remains to be seen.

Member Commitment: As outlined above in the discussion of the mandate, there has been considerable controversy among members about exactly what they were committing themselves to. As a result, some members have not been very active. However, the depth of controversy is partly an indication of the

strength of commitment among some members. Some have spent almost full time for stretches of several weeks investigating an issue and writing the report on it; most have, at a minimum, been deeply involved in extensive meetings and debates over both procedural and substantive concerns. Staff members were extraordinarily committed--"workaholics" by general consensus--during the first year. After a change in some personnel, the staff seems less dedicated although still committed to its task.

Effective Leadership: This is perhaps the arena of greatest controversy in the whole contentious Committee history. Some claim that the first chair, Roger Noll, was strongly identified with one side of a Committee dispute over whether to conduct research through objective, social science data analyses or through subjective, intensive, qualitative investigations. Committee and community members respected him highly, but he was unable to resolve the dispute and eventually resigned with some acrimony.

Other, equally reliable respondents disagree with this picture. They claim, first, that there was disagreement over how best to conduct research, but that "there were never 'sides.' People went back and forth in genuinely wrestling with the issues." They claim further that "the dispute had nothing to do with Roger Noll."

Without much more detailed investigation, we cannot determine which interpretation is correct. It is true that under Noll's leadership, the Committee published more, and more quantitative, reports than it has since, and it is true that the level of contention has declined since his resignation. The second chair was perhaps less dynamic, but relations within the Committee and between Committee and staff have apparently become smoother. The second chair is reputed to have better administrative skills and more of a background in public education than Dr. Noll has.

Relations with the Schools: There has been tension between the Committee and schools over amounts and kinds of data requested, Committee monitoring within the schools, and other matters. However, both sides have worked to keep their relationship at least civil. In this they have succeeded, to their pride.

Membership Composition: The Committee was originally intended to be an interest-group political body--a set of elite and powerful city residents who would pressure the schools to comply with the plan and would become involved in particular aspects of it. Because of the kinds of people who did not, and did, accept invitations to join the Committee, it ended up as a combination of community members with strong political convictions and involvement (although in most cases with few ties to grass-roots organizations) and social scientists. The distinction is not a sharp one, of course; some members were both social scientists and deeply involved in community issues. But the original role was frustrated since few of the members had the ties with the business and political leadership that Judge Egly originally envisioned.

One respondent argued that the main split on the committee was along none of the lines discussed above, but rather "more between people with children in the schools and a personal stake in desegregation, and people who came with a more community-wide viewpoint." This issue, which was so important in other cities such as Boston and Cleveland, was not echoed by any other respondents in Los Angeles.

Finally, one respondent claimed that all of the controversies and inconsistencies within the Committee had benefits as well as defects. This person pointed out that more, and harder-hitting, reports were written during the year of great dissension than during the following year of greater consensus. Furthermore, disputes themselves gave members more insight into and respect for different viewpoints than they would have received through quick consensus or unspoken disagreeement.

Relations with Individual Community Members: The Committee has never focussed on receiving and resolving individual complaints. It discussed moving in that direction during the 1980-81 school year; its membership would probably change accordingly. We have no information on whether it has in fact taken this direction,

Outcomes

Respondents concur that several Committee reports strongly influenced Judge Egly's decisions on matters discussed in the reports. Examples of influential reports include those on the Permits with Transportation program, the magnet schools, and the voluntary pairs, clusters, and midsites program. After the magnet schools report found that magnets were having little desegregative effect, for example, Judge Egly sought and received a commitment that the district would control enrollment to enhance desegregation. The magnets were slated to "go down the tubes" at one point; they now "are flourishing."

Perhaps most important, Judge Egly received intangible but very valuable support from members and staffers during several years when he was under a constant barrage of criticism. One cannot point to specific consequences of such support, but it is unquesionably an extremely valuable outcome of the monitoring process in Los Angeles as in other cities.[152]

VII. CASE STUDIES OF SEX EQUITY MONITORING BODIES

A. Southeasteen Public Education Program Title IX, Sexism in the Public Schools, Project in Southeastern States

The Southeastern Public Education Program (SEPEP) was established in 1965 by the American Friends Service Committee. SEPEP evolved from the Task Force on School Desegregation, sponsored by the Friends' Legal Defense Fund.

SEPEP was established as an educational reform organization. When funded by the Ford Foundation in 1965, it intended to set up directors in 11 southern states, and place 6 commun.ty organizers in each state. Limited funds have curtailed that goal, but SEPEP has been funded for several projects, including the monitoring of Title IX enforcement in public schools. Winifred Green worked for the Original Task Force, and now directs SEPEP.

A 1973 phone call from a male student denied admission to a home economics class catalyzed the Title IX Project. SEPEP used the community activists with whom it had established contacts during eight years of monitoring Title VI compliance to begin monitoring Title IX. During the period, a year after Title IX regulations were released, schools were to complete self-evaluations, and SEPEP sought volunteers to verify the accuracy of these self-evaluations. Many discrepancies were found, and apparent violations of Title IX in six Southern states were compiled in Almost As Fairly,[153] submitted to OCR as a third party complaint.

The Title IX Project is described in Table 12.

TABLE 12

TITLE IX, SEXISM IN THE PUBLIC SCHOOLS, PROJECT

SOUTHEASTERN PUBLIC EDUCATION PROGRAM (SEPEP)

ESTABLISHED:	1977
TERM:	Indefinite
SPONSOR:	SEPEP
SPONSOR'S CIVIL RIGHTS GOAL:	Social: "To create schools that can truly meet the needs of children and recognize the importance of diversity in our culture " . Statutory : "Laws must be made to work"
SPONSOR'S MANDATE TO MONITORING BODY:	"Our experience is that the passage of a law is just the first step in making it work for folks. In an effective way, the way to make it work is to monitor. . . We monitor everything we touch."
RESPONSIBILITIES:	Monitoring local school districts through site visits and filing complaints when compliance with the law is not secured Monitoring OCR in its enforcement of Title IX through site visits to schools in violation and calls to OCR Monitoring sex desegregation assistance centers in their provision of technical assistance to schools seeking compliance with Title IX
AUTHORITY:	No formally mandated authority (see narrative)
STRUCTURE:	One project coordinator in Jackson, Mississippi-Jean Walker Part-time state coordinators in each of the participating states: Georgia, Alabama, Mississippi, Louisiana, Arkansas, and South Carolina Informal network of other SEPEP programs to provide local information and support

(Table 12 continued)

MEMBERSHIP:	No formal members of the Title IX Project; volunteers in individual school districts initiate contact with the project regarding individual complaints Many volunteers have had previous contact with SEPEP from other civil rights issues.
STAFF:	Project Director and 6 part-time staff people, each working 64 hours a month in one state (see "structure")
FUNDING:	Ford Foundation: planning grant to SEPEP in 1975 to start Title IX Project Ford Foundation: 3 year operating grants to SEPEP in 1977 and 1980
MEETINGS:	6 staffers meet monthly to share information, plan strategies
REPORTING PROCEDURES:	Informal, nearly daily personal contact between project director and SEPEP director. Informal contact by phone and mail between 6 staff members in the field and the project director
OUTPUTS:	Almost As Fairly Complaints to OCR about Title IX noncompliance Created Equal[155]

Resources

Funding: SEPEP funding comes from private sources. Funding for the Title IX program comes from the Ford Foundation, which reviews the program annually but has little other contact. Funding has been erratic; at one point the Project was able to continue only because the publications specialist worked also as the Title IX Project Coordinator.

Communications with School Systems:

In monitoring school districts, the Project seeks information about enrollments, programs, and various student and employee policies and practices. School district responses range from support to hostility. In monitoring sex desegregation centers, the Project seeks names of schools and individuals who have had contact with the center in order to question them about the assistance the center has provided. The Sex Desegregation Center for Region 9 in Nagadoches, Texas has provided information; the Center for Region 4, in Atlanta, Georgia, has not. The contract for Region 4 has since been transferred to University of Miami, where director Rita Bernstein has proven helpful.

In monitoring OCR, the Project seeks information on the progress of complaints that it has filed or that others in Southeastern school districts have filed. OCR staffers have been helpful, but slow.

Communications with and Support from Other Groups:

The Title IX Project has benefitted from SEPEP's excellent network of organizational contacts, which include local chapters of the NAACP, SCLS, NOW, Children's Defense Fund, and the Sex Desegregation Centers mentioned above. Communities with local NOW chapters are especially

likely to be chosen for monitoring and the establishment of community coalitions.

At the individual level, directors of other programs related to sex equity also provide contacts for particular districts. Finally, SEPEP's work with Title I[156] mandated Parent Advisory Councils and its extensive Title VI work have provided an excellent communications network and a nucleus of local experienced volunteer monitors. As one staff member put it, "If you can understand race discrimination -- which most blacks and other minorities can-- then you can sympathize with the women's movement." She adds, however, that blacks tend to be more concerned about race desegregation issues than about sex equity issues.

The Title IX Project has had great success in preserving the confidentiality of sources, so it receives a lot of information from community activists who do not wish to diminish their non-Title IX work by appearing adversarial to school officials. However, it has had less success in mobilizing public support; in only a few places have parents and students joined in filing a complaint.

Media Coverage:

With the exception of national media coverage of the release of Almost As Fairly, the Title IX Project has gotten very little press coverage. Even if local newspapers cover complaints when they are filed or resolved, they seldom interview the Title IX Project staff. However, the Project did receive good press coverage of its complaint about the lack of girls athletics programs in Columbia, South Carolina.

The Project's main publicity comes from its own bimonthly publication "Created Equal." It covers Title IX violations unearthed by the Project, and other sex equity projects in the Southeast, and receives contributions

from staffers in six states. At least two thirds of its mailing list of 5000 live in the South, but the newsletter is seen as a nationwide link to other groups concerned with sex equity.

Governmental Support:

The Title IX Project has no support from local or state governments and its only federal support comes through OCR's investigation of complaints. However, OCR staffers sometimes call Project staffers to alert them about a school district with many Title IX violations.

Clear Mandate:

SEPEP's mandate to the Title IX Project is broad -- to monitor as many local school districts as possible for Title IX compliance and to monitor federal agencies responsible for Title IX's enforcement and implementation. The Project Director responds to this mandate as she sees fit in accordance with daily communication with SEPEP's Director.

Sponsor's Commitment:

SEPEP has no enforcement powers over school systems, but it provides the Project with all the services it can. The sponsor is committed, but relatively powerless.

Members' Commitment:

Both staff members and local volunteers seem committed to monitoring in the schools for all civil right laws and to filing complaints with OCR to get compliance whenever necessary.

Effective Leadership:

The Title IX Project has a very loose structure which needs little central administration; beyond the six part-time state coordinators, no formal structure exists. Each coordinator has pledged to form, by September 1980, two community coalitions in her state to conduct continuing civil rights monitoring. The Project Director oversees, but does not direct

these efforts; she does, however, have a mandate to hire staffers and allocate her budget as she sees fit.

Strategies

Choice of Funding Agencies:

Only private money has funded SEPEP and its various projects, by choice of the leadership. Despite the uncertainty, SEPEP staffers prefer private funding because it avoids a conflict of interest when the Project files a Title IX complaint. Furthermore, they argue that it is simply harder to be an advocate for people against a school district or federal agency if that organization is providing your money.

Thus despite various foundations' advice to seek federal funds, SEPEP will avoid doing so for as long as possible. However, staffers predict that private funding is going to become increasingly difficult to obtain, particularly funding for community organizing of the sort that is necessary if ongoing "Community Coalitions" are to be formed. Thus they will eventually accept federal funds, so long as they can retain some portion of private funds to ensure a measure of independence.

Relations with School Districts:

The Title IX Project has filed about 40 complaints with HEW since its establishment in 1977. Most of the superintendents in districts it has monitored perceive it as an adversary. Some have called staffers communists and one superintendent refused to talk to a SEPEP member until she proved she did not belong to the Communist party.

SEPEP staffers argue that the Project cannot, and will not, appear less adversarial until school systems obey the law. Once systems are made to change their practices by the community or the courts, then community and Project members can work with them. Furthermore, they argue that the

adversarial image is useful in getting compliance with Title IX without filing complaints. In many cases, once a superintendent realizes that the system is breaking the law and that the threat of filing a complaint which could result in loss of federal funds is real, the system will comply without any further Project action.

Relations with Community and Other Groups:

SEPEP s civil rights ties have been invaluable in establishing a network for rapid and widespread monitoring for Title IX. This connection among various civil rights concerns may soon include monitoring for handicap concerns under section 504.

The newsletter sometimes works as a form of pressure by publicizing Title IX violations and implying or stating that a complaint will soon be filed. However, the Project would benefit from having its staff develop more contacts with local journalists who could then publicize its activities, broaden its audience and add to the pressure on the school system. Staffers support this strategy, but say they have not yet had time to develop such connections.

Relations with Sponsor;

The Director of the Project has an office three doors away from the SEPEP Director's office. Communication is informal, direct, and constant, and there have been no disagreements or tensions between sponsor and monitoring body.

Future Activities:

The local contacts and skeletal staff have worked well in their information and support functions. However, the organization of volunteers into effective ongoing local monitoring groups will have to be very different. The Title IX Project is a "leaky umbrella" over a wide area; a set of community coalitions probably needs to be more tightly structured and

formalized. SEPEP is aware that things must change, but is rather vague as yet about why or how.

Outcomes

The main outcome of the Title IX Project has been the compliance of many Southern school districts with Title IX. Since few, if any, other forces are operating in this arena, it is fairly easy to attribute success to the Project when it files a complaint and the district later moves toward compliance. Furthermore, there is a noticeable increase in the awareness of Title IX requirements in the areas where the Project has reached. There is a long way to go; SEPEP estimates that less than half the school systems in Mississippi comply even with the athletic requirements of Title IX. Nevertheless, changes have occured.

Second, OCR has provided more rapid action on complaints as a result of the Project's monitoring efforts. Since the Project published a report on OCR's failure to follow through on complaints, staff members say no complaint initiated by the Project or with its help has waited longer than two weeks for an investigation. OCR has hired a number of new investigators to cover the Southern region.

Finally, the effectiveness of the Region 4 Sex Desegregation Center has increased since the Region 4 contract was awarded to the University of Miami. Title IX Project staff members feel that the movement of the Center to a new location was due, in part, to a story they wrote about the original Center's failure to fulfill its obligations.

B. PEER Committee in Jackson, Michigan

National PEER, an arm of the NOW Legal Defense and Education Fund, chose Michigan to "field test an idea that would be used to write a manual on how to organize a state to monitor Title IX." PEER chose Michigan for three reasons:

1) Michigan has a wide variety of urban and rural settings;
2) Michigan's new Office of Sex Equity and Education implies a progressive educational and cultural stance; and
3) Since Michigan has a number of well developed women's and civil rights groups, the idea of coalition building is well-established.

After the State PEER Project Director Liz Giese built a coalition of influential supporters, she called on NOW and other women's groups to seek volunteers to field test the monitoring tool in their community. The Jackson PEER coodinator was such a volunteer,along with women from 11 other towns.

About 100 miles from Detroit, Jackson, Michigan is a conservative, quiet city of 148,700. The Jackson Public Schools serve 11,002 children in 21 schools.

Jackson has a long history of Title IX problems. The Jackson Public Schools named a Title IX committee in 1975 to work with the schools' Title IX coordinator in assessing the district's sex equity needs. Its mandate and responsibilities, however, were never made clear. This committee had both community members and school personnel.

The Title IX committee's first task was to complete a self-evaluation within two months. The evaluation came back from OCR unapproved, and attempts by the committee to obtain compliance with Title IX were frustrated by the school district. At times, committee members were denied

access to district information, and they found the Title IX coordinator to have little time for or interest in Title IX work.

Between 1975 and 1979, four Title IX coordinators were fired or left the position, and the Title IX committee floundered. Several members of the committee joined with other NOW members in filing a complaint with OCR in early 1979. The OCR investigation took several months and the district , with the support of many school board members, did little to work toward compliance. Eventually, a court order required a new self-evaluation by June 1980.

The appointment of a new Title IX coordinator for the 1979-1980 school year was the first indication that the district intended to comply with Title IX. The superintendent named a tenured physical education instructor with a great deal of experience in sex equity in athletics to the position. The new coordinator, joined by the new PEER Committee, asked the state Office of Sex Equity for technical assistance in developing a Management by Objectives (MBO) plan for the district. She also set up school-based committees parallel to the five PEER monitoring committees, and assigned PEER members to each committee.

Note that PEER resists the term "monitoring," apparently because it it too threatening to the schools and not sufficiently action-oriented. They prefer to"talk about assessing progress, doing research, reporting our findings, and follow-up." They also point out that they "are primarily concerned with changing public policy," not just monitoring it. Nevertheless, many of their activities and much of their energy is devoted to things we have earlier described as monitoring, and PEER describes one of its two purposes as "to monitor enforcement progress under federal law forbidding sex discrimination in education"(in Cracking the Glass Slipper.)

TABLE 13

PEER COMMITTEE

JACKSON, MICHIGAN

ESTABLISHED:	Fall, 1979
TERM:	Indefinite
SPONSOR:	Michigan PEER Project Also sponsored via letters of support by 10 local groups and individuals representing the school administration
SPONSOR'S CIVIL RIGHTS GOAL:	Statutory; Political (interest-group model); Educational (equal opportunities model)
SPONSOR'S MANDATE TO MONITORING BODY:	To monitor systematically for Title IX compliance using the instrument developed by PEER, Cracking the Glass Slipper
RESPONSIBILITIES:	Visit classrooms, interview teachers and other school personnel, and review self-evaluation and enrollment records to check for compliance with Title IX Report results and recommendations to school board and the community at large
AUTHORITY:	No authority other than the credance given Committee recommendations by the school board
STRUCTURE:	Coordinator (Marion Fox) 5 committees parallel to the school-sponsored Title IX Committees Counseling and Student Services Reading Review Series Athletics and Physical Education Vocational Education (Cyril Pombier) Employment and Employee Grievances (Lee Howser)

(Table 13 continued)

MEMBERSHIP:	25 members--17 teachers and 7 parents Members solicited from AAUW, LWV, Business and Professional Women, NAACP, Education Association, and NOW.
STAFF:	No paid staff for Jackson committee only Michigan PEER staff (full-time director, administrative assistant, public information officer, part-time public relations consultant) act as staff for Jackson Committee
FUNDING:	No separate funds for Jackson Committee; Michigan PEER funded by C.S. Mott Foundation, the Ford Foundation, and 9 Michigan corporations. Site coordinator receives stipend (up to $500); printing and postage paid for(up to $200)
MEETINGS:	Full Committee--as necessary for training and information Subcommittees--as necessary, more frequently, to plan interviews and write-ups
REPORTING PROCEDURES:	Frequent phone contact between coordinator and state PEER Director Meetings of coordinator with other local coordinators and State Director twice a year No formal reporting procedures
OUTPUTS:	Set of recommendations to school board coordinated with Management by Objectives Plan written by school-based Title IX Committee Contributed to "You Can See the Cat Walking...: a Report on the Findings of the Michigan Project on Equal Education Rights"[157]

Resources

Funding:

The Ford and Mott Foundations provided $100,000 each for 1979-80 to Michigan PEER; nine Michigan corporations gave an additional $11,000. Ford's new $174,000 grant permits Michigan PEER to operate for all of 1981 and half of 1982. It has no problems with discretion over where or how to spend its funds.

Communications with School District:

During 1979-80, Superintendant Escott gave the PEER Committee access to all enrollment and personnel information they requested, as well as to internal school communications. The School Board president, an active advocate of Title IX enforcement and the PEER Committee's work, gave the committee ample access to school board information. Furthermore, the Committee received cooperation from all school staff members that they contacted personnally.

Community Support:

The Michigan PEER project began by joining a statewide coalition of approximately 40 groups, including the Michigan Association of Administrators, the Michigan AAUW, the Michigan Department of Education, the Michigan Office of Sex Equity in Education, the Bendix Corporation and Bell Telephone. The Jackson Committee specifically was formally endorsed by a variety of local groups, some of which sent members to participate in it. These groups included the Jackson Business and Professional Women's Club, the Jackson County Education Association, Delta Kappa Gamma - Beta Beta Chapter, Jackson Education Association (City Schools), League of Women Voters, NOW, and Zonta Club of Jackson. In all, the Committee received ten formal letters of endorsement and support from organizations and school officials. No religious, civic, or business groups formally supported the group in Jackson.

The Committee used existing women's groups to help it become established. For example, the PEER state director participated in a workshop sponsored by

four Jackson area women's organizations in February, 1979. This workshpp contact raised interest in the state PEER Project,and the local Y-Center women's program director contacted PEER about organizing a project in Jackson in April 1979. This woman was then able quickly to mobilize the already organized women of the city.

Communications with women not in any of the mentioned groups are also extensive. The Jackson PEER Committee coordinator worked at the local Y-Center during the Committee's first year of operation, thereby maintaining informal contact with many women in the city and providing a meeting place outside the school.

Finally, the Committee has worked closely with the local chapter of NOW. Jackson NOW's 1977 Title IX complaint was yet to be resolved when the Jackson PEER Committee began its research work in the fall, 1979. In fact, it is not yet fully resolved. The local NOW continued its own monitoring efforts and contact with OCR throughout the PEER Committee's first year of operation and supported the school system's efforts to come into compliance with Title IX.(NOW sees its role as more central than does PEER, however.)

Media Coverage:

The Michigan PEER Committee and the coalition of which it was a member were endorsed by the local paper when the Jackson Project began, and the Project continued to eeceive positive coverage throughout its first year of operation. This occurred partly because one local reporter had been interested in sex equity issues long before the PEER Committee was established. Although some PEER members felt that media coverage before the PEER project began deterred sex equity progress in the city, everyone felt that the PEER coverage was helpful in legitimizing the Project to the community. For example, one article which quoted a state Department of Education official as saying "Jackson Public Schools may become a model district for sex

equity" was a real boon to school support of the PEER project's efforts.

Press coverage of women's sports has been excellent in Jackson and has helped to promote the interscholastic program.

Support by Governments:

The Jackson PEER Committee received no support from the local government.

The state government supported the Michigan PEER Project formally through the Office of Sex Equity in Education and the Department of Education. The Office of Sex Equity provides technical assistance to school districts that need help in responding to PEER's recommendations and thus reduces the burden of the state PEER organization. In addition, the state superintendent of schools, John Porter, helped legitimize the Project in the eyes of local school administrators by writing a letter commending the PEER group to all superintendents of districts where PEER committees formed. With only one exception, this introduction was sufficient to ensure administrators' cooperation with the local PEER committees.

In Jackson, the school-sponsored Management By Objectives Planning Committees, whose members were also on parallel PEER committees, received many weeks of assistance from the Office of Sex Equity.

Clear Mandate:

The Michigan PEER Project's mandate is clear-- systematically to monitor Title IX -- but the monitoring methods of each group differ. The state PEER group sees these differences as appropriate for dealing with differing school systems and communities.

Commitment of the Sponsor:

The state PEER Project's solicitation of support from the state superintendent of schools was a principal tool for leverage on school districts. Local committees are given autonomy to proceed in their own

manner, with state PEER staffers and the Office of Sex Equity to provide resources as necessary. The PEER Project apparently provides all the support to the Jackson Committee that it can and that the Committee wants.

The state PEER office also argues, with no apparent disagreement from the Jackson Committee, that "each of our sites has benefited from being part of a state project. The advisory board at the state level, our connections with educational associations and state media give important leverage and clout to local groups."

Members' Commitment:

Most Jackson members were committed to obtaining compliance with Title IX before the Committee began, and they seem fully committed to the monitoring mandate (with the caveat noted on page 143) and activities of the Committee.

Effective Leadership:

The coordinator of the Jackson Committee is responsible for finding volunteer monitors and helping them to conduct interviews according to the format of PEER's Cracking the Glass Slipper. She has successfully done so, and appears to have forged alliances among members with diverse backgrounds.

Strategies

Relations with the School District:

The Michigan PEER Project organizes its monitoring efforts by the "theory of multiple sources: to change educators, the message must come from several places." Thus PEER seeks to involve a wide variety of people in sending messages, from community and parent groups, to school administrators and teachers unions, to the media. Both the state and local PEER's use of formal "sponsors" were designed to give credibility to Title IX from as many directions as possible, and thus to encourage compliance with it.

In this context, PEER committees try to appear firm but non-adversarial. In their words, "you have to let them [school systems] know you're serious. You have to let them know you're there to help them enforce Title IX." Thus,

on the one hand, the Jackson Committee included many school staffers, especially the well-respected tenured Title IX coordinator. Furthermore, the coordinator presents a "no surprises" image, and demonstrates that she has "mellowed" since the days of the first Title IX committee. The Jackson Committee looks for "positive progress towards complying with the law" as well as areas of noncompliance. On the other hand, the Committee works closely with the more adversarial NOW chapter, in the belief that obtaining Title IX compliance "takes both the big stick and the soft voice. In Jackson it helped to have the still-pending NOW complaint."

Relations between Local Committees and the State Project:

The State PEER Project has allowed each local group to move at its own pace towards monitoring Title IX because "you can't prescribe anything about this issue because every single district has done a little bit of something somewhere along the way." Thus the Jackson group was able to mobilize very quickly to monitor, even though some communities have not yet begun monitoring.

Outcomes

The outcome that Jackson PEER committee members are most proud of is the school administration's changed orientation toward Title IX. This change can be at least partially attributed to two activities of the PEER Committee: the non-adversarial interviewing that special area committees conducted, and participation in school-sponsored MBO planning. Though administrative cooperation with monitoring has not yet been fully achieved, the Jackson PEER members feel that they have "given credibility to Title IX in Jackson." As one committee member said, they've helped bring Title IX from a status of "one of those federal things" to a personal level.

However, real success in meeting the group's legal goal of compliance remains to be seen, since it depends on whether the school administration implements the MBO plan and provides the funds for a full-time Title IX coordinator and necessary physical plant changes.

The political goal of giving PEER credibility in school decision-making is harder to evaluate, but so far it seems to be more successful.

Another difficulty in evaluating the PEER Committee's effect is separating the group's effect from the fruits of the new Title IX coordinator's work and the results of NOW's suit. All we can confidently conclude is that PEER in particular, and groups concerned with sex equity in general, now have more weight in administrators' decisions than they did before PEER monitoring began. Legal success may follow, but so far political success is more evident.

C. Title IX Team in Sacramento, California

Sacramento, the capital of California and the county seat of Sacramento County, is the urban center for one million residents northwest of San Francisco. It contains some exceptionally progressive education, particularly Title IX-related, programs. The California State Department of Education's Title IX Assistance Office is nearby, and the Sacramento Unified Public School District (SUPSD) is California's only local district funding its own Title IX Office. Sacramento also has a Title IX team of concerned and involved parents which we studied. The Title IX Team is described in Table 14.

TABLE 14

TITLE IX TEAM

SACRAMENTO, CALIFORNIA

ESTABLISHED:	1978
TERM:	Indefinite
SPONSOR:	Self
SPONSOR'S CIVIL RIGHTS GOAL:	Statutory; Educational (equal opportunities model)
SPONSOR'S MANDATE TO MONITORING BODY:	Same as goal
RESPONSIBILITIES:	Monitor SUPSD compliance with Title IX Investigate individual complaints of non-compliance or sex bias File complaints with OCR Various activities to promote elimination of sex bias in education
AUTHORITY:	None, except legitimacy obtained from history of filing complaints and receiving favorable OCR responses.
STRUCTURE:	Amorphous - approximately 10 active community members No clear leader Connected with rest of California, regional, and national women's networks for technical assistance, information and support
MEMBERSHIP:	Community members, including school counselors, administrators, teachers, students, and parents 20 during school year; about 8 throughout summer

(Table 14 continued)

STAFF:	None, strictly volunteer Technical assistance from state and district Title IX offices, Project Equity, and Equals Inc.
FUNDING:	None, strictly volunteer
MEETINGS:	Monthly, during school year, with about 20 people.
REPORTING PROCEDURES:	None specific --mainly complaints to OCR
OUTPUTS:	12 OCR complaints filed in 1979-80 school year Booth in book fair to sensitize teachers and administrators to sexism and racism in school books

Resources

Funding:

The Team has no funding, and depends on volunteer work.

Communication with School District:

Communications are apparently open and frank. The SUPSD is well aware of the Team's reputation and ability, so it grudgingly complies with most of its requests. SUPSD's own Title IX office also assists the Team where needed, as does the California State Department of Education Title IX Assistance Office. All three groups cooperate with each other.

Communications with and Support from the Community:

Sacramento businesses, civic groups, and religious organizations are apparently very supportive of Title IX, and they support all three offices in Sacramento. The Team also receives great support from other regional and national groups, such as PEER, Sprint, WEAL, Equals (Math-Science Network), Project Equity, etc. It works particularly closely with Project Equity.

In terms of non-organized community members, communication and support is strong. Most Team activities stem from parents' bringing problems to their attention. The Team informs parents of the results of its actions and constantly keeps parents informed of events.

Media Coverage:

What coverage there has been has been very positive. However, one Team member described this resource as underused because of Team members' time constraints.

Support of Governments:

There has been no apparent support from the local government, but the Team receives information and encouragement from the State Department of Education Title IX Assistance Office. It also does some lobbying at the state level with no apparent adverse reactions.

Training:

Most training is in cooperation with Project Equity whose workshops cover a wide range of topics: administration (exactly what the law says, grievance procedures, men and women in non-traditional postions, etc.), counseling, teaching strategies, attitude awareness, physical education and athletics, curriculum development, social studies, women in history, student involvement, and so on. Team members describe the training favorably, but are disappointed since the workshop's emphasis is on training others to train, a program that has not yet blossomed.

Effective Leadership:

The eam apparently acts as a unified force moving in the same direction without specific leadership. Leadership at any point depends heavily on the contact person in each school. That person largely determines the nature and extent of Team involvement.

Member Commitment:

The core group of Team members is strongly committed to obtaining tangible results, and not "stopping with consciousness raising." These people are especially effective in following up on filed complaints to make sure that the school system adequately complies with Title IX requirements.

Strategies

Relations with School Systems:

Either a contact person within a school or a parent identifies a compliance problem and contacts the Team. Team members investigate the complaint's validity, and if they find it to be true, will file a complaint with OCR. At no time has the Team attempted to resolve problems first with school administrators. Instead, they focus on complete compliance and they see formal complaints as the most effective approach to that goal.

Membership:

The Team's combination of school "insiders" and community "outsiders" enables it quickly to identify problems and take action without jeopardizing any person's anonymity. The issue of confidentiality is extremely important for parents who fear reproach against their children and school staffers and teachers who fear sanctions or loss of their jobs.

Association with Other Groups:

Working closely with state and district Title IX offices, and with other women's advocacy groups makes the Team part of a formidable force for change in the local schools. Taken together, the network combines an effective adversarial stance with strong cooperation with the school system. The Team uses its history of successful complaint filing as leverage on the school system to induce compliance.

Shortcomings:

The Title IX Team is aware that it lacks wide press coverage, but it does not have the time or personnel to work on public relations. The lack of publicity is not only caused by, but adds to the insufficiency of members and the total absence of funds. The Team apparently has no plan for trying to resolve this self-fulfilling cycle.

Outcomes

The twelve complaints filed in 1979-80 have all been "resolved satisfactorily," according to one Team member. Since the Team is the only local group filing complaints, these remedial actions can be attributed to its work. However, it probably would not have been as successful without the technical and political support, as well as information, from other women's groups in the area. The booth at the book fair and the slim but positive media coverage can probably be credited with increasing general awareness of Title IX

issues among school officials and local residents. Furthermore, the books presented for the district's inspection and possible purchase are improving with regard to civil rights issues, and some offensive books are no longer for sale. The Title IX Team probably has influenced, but not directly caused, this outcome.

D. Utah League of Women Voters of Salt Lake (LWVSL)

From 1977 through 1979, the Salt Lake City chapter of the League of Women Voters (LWVSL) studied the compliance of four area high school districts with Title IX, focusing on the districts' self-evaluations and women's athletic programs. The League has both information-gathering and action functions, and describes its activity as "educating its members and gathering and analyzing data" rather than monitoring for Title IX compliance. Nevertheless, it has clearly performed that function.

Salt Lake City, of course, is the heart of the Church of Jesus Christ of Latter D Saints, whose religion and heritage dictate strictly traditional sex roles and little citizen activism. Not surprisingly, as one member of the League put it, "Utah school boards are not exactly excited about Title IX." Added to the cultural disagreement with Title IX and citizen activism are shrinking school budgets; thus schools are reluctant to embark on any new program, never mind one that implies feminism and citizen involvement. The political and social climate, in short, may not be overtly hostile as in some race desegregation cases, but it is antagonistic to Title IX claims and citizen monitoring.

Those aspects of the League of Women Voters relevant to monitoring Title IX are described in Table 15.

TABLE 15

UTAH LEAGUE OF WOMEN VOTERS OF SALT LAKE (LWVSL)

ESTABLISHED:	Studies undertaken summer of 1977
TERM:	Indefinite
SPONSOR:	LWVSL
SPONSOR'S CIVIL RIGHTS GOAL:	Statutory; Educational (equal opportunities model)
SPONSOR S MANDATE TO MONITORING BODY:	Investigate and report to League members on provisions of Title IX, and extent of Salt Lake County schools' compliance with Title IX
RESPONSIBILITIES:	Report to LWVSL on nature of Title IX Determine extent of Salt Lake County school compliance with Title IX in: a) self-evaluations b) women's athletic programs
AUTHORITY:	None Clearance from State Board of Education
STRUCTURE:	1 study supervisor 4 district coordinators (1 for each of 4 school districts studied) 17 member observer-investigators to go into district high schools
MEMBERSHIP:	LWVSL members indicating interest in Title IX --strictly a League project
STAFF:	None Will use State computer facilities for student survey, fall 1980
FUNDING:	From LWVSL

(Table 15, continued)

MEETINGS:	Initial meeting with each district superintendent to explain study No other formal meetings
REPORTING PROCEDURES:	Observer - investigators report to district coordinator District coordinators report to study supervisor Study supervisor reports to League membership
OUTPUTS:	Report on study of school self-evaluations, March 1978[158] Report on women's athletics, March 1979[159]

Resources

Funding:

Money for monitoring is provided by the Salt Lake chapter of the League of Women Voters. There is apparently no financial support from either the state or national organizations.

Access to Information from School Districts:

The districts provided all information requested, with two exceptions. One refused LWVSL access to their self-evaluations,[160] and there were some problems in obtaining school athletic budgets.

Communications with and Support from the Community:

There was no apparent support from business, civic, religious, or other local groups. The community as a whole was not involved, since the monitoring was strictly a project for and by League members.

Media Coverage:

The press was extremely receptive to the athletics study, although it did not cover the self-evaluation assessment as thoroughly. The League expects further press coverage on the follow-up report on athletics it will conduct in 1980-81.

Support of Governments:

There has been no apparent support from local or federal governments. The League received tacit acceptance from the State Board of Education to both studies. It will be working closely with the State Director of Athletics to analyze the fall 1980 student needs and interest surveys. League members wrote and will conduct the survey, and will use state computer facilities to analyze the results.

Clear Mandate:

The League's general mandate to educate its members provides a springboard for action. Since the mandate is extremely flexible, it allows members

to concentrate on any issue they desire.

Commitment of Sponsor:

The Salt Lake chapter of the League was completely supportive of the monitoring projects. The project coordinator has chapter commitment for legal support if it should be needed. The autonomy of the project from outside interference seems secure. State and national League chapters provide technical assistance when it is needed.

Training:

To guide their monitoring efforts, participating League members used Dr. Shirley McCune's "Checklist Four: Evaluating the Title IX Self-Evaluations" which concentrates on the process, content, follow-up, and monitoring of the self-evaluations. Some members have their own expertise, such as former physical education teachers and women's sports coaches. Also League members received training in sex desegregation from Weber State College Mountain West Sex Desegregation Center. They described the training as good, well attended, but having litte effect on them or on sex equity compliance.

Effective Leadership:

Leadership was a strong point of both studies; capable, energetic, and committed coordinators were largely responsible for activities and production of the final reports. They intend to do a follow-up and continue monitoring of Salt Lake schools, but they face an acute "burnout" problem.

Strategies

Relations with the School District:

LWVSL's approach to Title IX fact-finding is neither adversarial nor supportive. Instead, the nature of their study dictated determinative, investigatory, penetrating cooperation. The League proceeded through "proper channels"-- from the State Department of Education hierarchically

downward --and requested, not demanded, information so it in no way forced school system cooperation. After all, said one respondent, "You don't get anywhere being hostile."

And yet, merely calling the League's activities "fact-finding" is also deceptive. Inasmuch as they measured the schools' actions, policies and proposals against the Title IX regulations and published the results, the League investigators actually did monitor school compliance. Furthermore, in their first report, they recommended that citizens actively monitor school compliance and that the schools establish some formal monitoring mechanisms. They also made other recommendations to achieve compliance, and stated explicitly how and where school districts did not comply.

Barriers to Greater Effectiveness:

The main problems for the LWVSL are external-- the enormous barriers caused by their location in a sexually and politically conservative climate. They have an extremely hard time generating interest and involvement among community members outside the League, and an equally hard time generating any support within the school system. Although they are committed to "seeing things through to their conclusion," League members are too often "burned out." They desperately need what one member dubbed "time to regenerate," but worry about losing internal momentum and external gains.

Outcomes

The LWVSL investigations led to no complaint filing. Indeed, one athletics investigator viewed the entire complaint process as futile because of the tremendous time lag involved in OCR's case clearance and because of the absence of any real retaliatory power or leverage against even the worst offenders. However, the schools responded to each report, especially when it was publicized in the local media. For example, after

the first report on self-evaluations, the schools requested (and received) additional time to rewrite their evaluations. One respondent concluded, "publicity really works wonderfully." Finally, the LWVSL now has direct and close contact with the Utah State Department of Education, which will help the League conduct its monitoring. This is an indication of success in the eyes of the League; whether it noticeably affects the schools remains to be seen.

VIII. CASE STUDIES OF MONITORING BODIES FOR THE HANDICAPPED

A. Legal Center for the Handicapped Lay Advocacy Program in Salt Lake, Utah

The Legal Center for the Handicapped is located in Salt Lake City, but operates state-wide to ensure the rights of the handicapped under P.L. 94-142 (the Education for all Handicapped Children Act of 1975) and Section 504 of the Rehabilitation Act of 1973. Its services range from workshops and training sessions for citizens and organizations to legal assistance for the handicapped. It receives cases through referral from other advocacy programs for the handicapped (such as the Utah Association for Retarded Citizens) and public advertising. The growth in demand for its services, coupled with the usual organizational restraints on time, staff, and money, prompted the development of a lay advocacy program out of the Center to train volunteers to act as advocates and monitors of handicapped rights.

As in most states, the climate is one of benign neglect of the handicapped. Schools in general are reluctant to implement Section 504 rights because they are expensive,[162] and because schools are unaware that federal aid for compliance is available. Furthermore, few educators, community leaders, or parents of handicapped children are aware of the exact nature of the regulations. One (non-Mormon) respondent suggested that because the Church of Jesus Christ of Latter-Day Saints values duty to church and family over social activism, this extra conservatism retards strong action to ensure civil rights by citizens. He further argued that "if you're mentally retarded or handicapped, you don't have to work hard to prove yourself, because your spot in the Celestial Kingdom is already there." Thus schools, citizens, and the handicapped themselves all have incentives not to push for aid to the handicapped. Another (Mormon) respondent described the Church's role in similar, but less critical terms. She

maintained that because the Church knows that most Utah residents would follow its recommendations without question, it hesitates to take a position on anything it perceives to be political. Nevertheless, she describes the Church as "like everyone else, in ignorance" of the fact that the handicapped do need help, can be helped, and legally must be helped.

The Center's lay advocacy program is described in Table 16.

TABLE 16

LEGAL CENTER FOR THE HANDICAPPED LAY ADVOCACY PROGRAM

SALT LAKE, UTAH

ESTABLISHED:	July, 1979
TERM:	Indefinite
SPONSOR:	Legal Center for the Handicapped
SPONSOR'S CIVIL RIGHTS GOAL:	Statutory; Educational (equal opportunities model)
SPONSOR'S MANDATE TO MONITORING BODY:	Train citizen advocate-monitors in laws and monitoring techniques Seek resolution of individual grievances
RESPONSIBILITIES:	Recruit and train citizen advocate-monitors in provisions of PL 94-142 and Section 504 and techniques for monitoring compliance with their regulations for education of handicapped students and social security provisions for parents of handicapped students Negotiate settlements of complaints with schools whenever possible Bring problem cases to Center's attention for possible legal action Provide assistance to parents in all relevant educational and social security matters
AUTHORITY:	None
STRUCTURE:	Program coordinator recruits and trains citizen advocate-monitors One advocate-monitor per school district throughout Utah, ideally
MEMBERSHIP:	20 citizen advocate-monitors during (1979-80 school year), concentrated along Wasatch Front 4 active during summer Some volunteers from workshops, most recruited by program coordinator

(Table 16 continued)

STAFF:	Program coordinator is full-time staff member of Center Salt Lake Center office provides referrals, technical assistance, and legal resources.
FUNDING:	No funding for lay advocacy program other than aid from Center
MEETINGS:	None
REPORTING PROCEDURES:	To Center coordinator only when encounter problems with schools or to report general success and efforts

Resources

Funding:

Funds for the Center come irregularly from governmental grants, foundations, and individual contributions. The Lay Advocacy Program will soon institute a small fee schedule for all legal cases that are now handled for free. Lack of money has recently been an especially acute problem.

Access to Information from School Districts:

Schools generally cooperate with advocate-monitors, although due process proceedings have been necessary with several schools to gain access.

Communications with and Support from the Community:

Community relations are "fairly good," and community awareness is growing with each workshop. Business, civic, and other groups have no apparent relationship with the Lay Advocacy Program. The Church of Jesus Christ of Latter-Day Saints does not oppose, but also does not aid, the Lay Advocacy Program's activities.

Media Coverage:

The media are generally receptive, but have mostly been neglected by the citizen advocate-monitors. Extensive advertising on T.V., radio, bus placards, and in newspapers has generated some community response.

Support of Governments:

Local governments have given no apparent support. The state government is described by respondents as extremely conservative and opposed to government social reform programs. The federal government has provided no support beyond funding.

Clear Mandate:

After general "paralegal" training, monitors operate as they wish in their own locality, with no specific mandate.

Commitment of Sponsor:

The Center is prepared to litigate against any school or district not co-operating with advocate-monitors. It will put a citizen-monitor into contact with other groups if its resources are insufficient to solve a problem.

Commitment of Members:

Because the mandate and organization is so loose, many individuals who have received training help only their child and neglect other handicapped children in the same school.

Training:

The program coordinator provides extensive "paralegal" training for monitors in interviewing, gathering evidence, establishing legal basis of claims, and "watchdogging." The training emphasizes problems found with social security and education.

Effective Leadership:

The Program coordinator is strong in inspiring, training, and finding volunteers. She makes no effort to direct the activities of the advocate-monitors, though she does provide information, support and legal clout where needed.

Strategies

Membership Recruitment:

Because Utah residents appear to be aware of the issue of civil rights for the handicapped but hesitant about supporting such rights, the Lay Advocacy Program's first priority is generating community support. They argue that if community residents were more supportive, they would be able to reach, recruit and train citizen volunteers in all school districts. Only then will they be able to turn all of their attention to monitoring and

advocacy. At present, volunteers have a very high turnover rate, and usually resign once their child's problem is solved or he or she has left the schools. The Program has no solution to this problem.

Relations with School Districts:

The lack of public support, staffers, money, political clout and enforcement power all dictate a nondisruptive, negotiating stance toward school districts. The Lay Advocacy monitors try to resolve complaints at the local district level; only if this approach fails do they take the problem to the central office. It in turn also tries to negotiate a solution; only if its efforts fail does it consider litigation. The Center does not hesitate to bring a recalcitrant school district to court, and is generally successful in these cases, but it sees litigation as generally too expensive, time-consuming, and ineffective in changing attitudes.

Approach to Monitoring:

The Center's case orientation, and the lack of a strong statewide organization, has led to a complete "fire fighting" approach to monitoring in the Lay Advocacy Program. Citizen monitors deal with individual problems, and usually stop working actively once a particular problem is resolved or appears insoluble. There is no effort to coordinate monitoring activities across school districts or systematically to monitor within one school district except on an individual's initiative. Most monitors focus on Individual Education Programs although some address issues of social security for parents of handicapped children.

Barriers to Greater Effectiveness:

Internally, the greatest barrier to success appears to be a lack of strong system-wide leadership. The Program coordinator sees her role as recruiting individual activists, a task at which she is very good. But no one provides overall direction on what to monitor, how to monitor, how

to expand the monitoring process across a district, and how to redirect activities after a particular problem is resolved or stalemated. The Program needs stronger central direction, and needs to extract a commitment from trained monitors that they will remain active for at least one year. It also needs to reorient its focus away from helping single students to seeking district-wide improvements.

Externally, the great obstacles are 1) a paucity of funding to organize more workshops, hire more staff, and recruit more monitors; 2) a lack of support from organizations, school personnel, and individual citizens; and 3) a lack of political clout and enforcement power to require changes and prevent reprisals. Respondents describe one situation in which a group of rural parents heeded the school's demand that they not meet as an organized group without school permission, lest their children be punished. Either consciousness-raising among parents and school personnel or legal powers are necessary to make any headway in such an atmosphere--and the Lay Advocacy Program has neither. As a result, the program appears to be floundering only a year after it began.

Outcomes

Respondents are extremely pleased with the success of negotiations and litigation over many Individual Education Programs and these results are clearly attributable to the Lay Advocacy Program. However, the program has had little, if any, systemwide or statewide effect. (Note that the parent organization, the Center, does much legislative work and is having a "larger" effect in "filling in gaps" in the law.) Probably no school in Utah is complying with or is interested in complying with P.L. 94-142 or Section 504, and the Lay Advocacy Program has done little to change this situation. However, this lack of effectiveness is attributable more to severe external constraints and resistance than to

internal failure. Where the program can reasonably be expected to have an effect, at the level of individual problems, its great efforts have been somewhat successful.

B. Advisory Council for Handicapped Students in Fort Wayne, Indiana

Ft. Wayne, Indiana, with a population of 170,000, is a business hub for the agricultural flatlands of Indiana. The Fort Wayne Community School Corporation serves 39,728 children in 64 schools.

The Fort Wayne Community School Corporation has provided a varied program of special education of which it is very proud for many years. In fact, the Advisory Council was started in response to a statement by the district's Special Education Director at a 1978 School Board meeting. He said that the "Fort Wayne Community Schools have met full compliance" with special education legislation. However, the parent of a child with a learning disability took exception with that statement and disagreed in the Board meeting, arguing that many parents felt "the system is not doing nearly enough" for learning disabled children and that the schools had turned "a deaf ear" to many parents. He pointed out that while the Association for Children with Learning Disabilities (ACLD) generally finds approximately 10% of all children need help for learning disabilities, the Fort Wayne schools only aided 1-2%. The Director disputed the 10% figure, and pointed out the three new programs and three new staffers in special edueation. But the Board president called a meeting to resolve the dispute, and efforts to document charges and defenses began. The parent spearheading the movement, Shep Weinswig, recommended the idea of an advisory board to the school board, along with "some basic principles and aspirations. The Superintendent of Schools (with the motion tabled at the school board) came back with a counterproposal which is closer to what now exists." Thus the Advisory Council was a joint product of parents and school administrators.

TABLE 17

ADVISORY COUNCIL FOR HANDICAPPED STUDENTS

FORT WAYNE, INDIANA

ESTABLISHED:	May 14, 1979
TERM:	Indefinite
SPONSOR:	Ft. Wayne Community School Board
SPONSOR'S CIVIL RIGHTS GOAL:	Educational (equal results model); Social/ psychological
SPONSOR'S MANDATE TO MONITORING BODY:	To identify problems and issues of concern in social education To gather information about the problems and issues, partly through outside experts To decide how to solve the problem To make recommendations for the implementation of these solutions.
RESPONSIBILITIES:	Agenda set from meeting to meeting, mainly by parent members No permanent responsibilities or agenda set
AUTHORITY:	At the discretion of the School Board. Superintendent made verbal commitment to use the group's input at its first meeting: "We have almost every top school official in this group and there is no reason why we can't make policy in this group on most issues."
STRUCTURE:	2 co-chairs, one from parent members and one from administrator members Subcommittees formed to investigate particular subjects; are disbanded after presenting results to the Council

(Table 17 continued)

MEMBERSHIP:	28 members; 10 school administrators appointed by School Board; 18 parents, 2 appointed by each of 9 community groups representing different handicaps (2 such groups already existed; others convened by school and parents for this purpose, summer 1979) May begin staggered 2 year terms of office, fall 1980
STAFF:	None
FUNDING:	None; school board pays for monthly newsletter and materials for monthly meeting
MEETINGS:	Whole Council meets formally once a month in school administration building Parents meet informally one week before full board meeting
REPORTING PROCEDURES:	Minutes of formal meetings to School Board members Monthly newsletter to Advisory Council, School Board, special education teachers, parents of handicapped students
OUTPUTS:	Newsletter

Resources

Funding:

The Council has no independent budget or staff; the School Board pays necessary, agreed-upon expenses.

Access to Information from the School District:

Council members have no complaints about obtaining the information they desire, except for occasional delays from middle-level administrators. Parent members are convinced that the district superintendent is fully supportive of the Council and gives its members full access.

Communications with and Support from the Community:

Before the Council began, there was virtually no communication among parents of children with the nine disabilities. However, the Council and a new social services agency have increased communication about common problems, such as transportation and post-secondary training opportunities. Similarly, local organizations for the hearing impaired and muscular dystrophy and the local ACLD now communicate with each other through their members on the Council. The state ACLD provided support and organizational help in establishing the Advisory Council. Local community agencies working with handicapped children so far have provided only contacts for the Council, although more cooperation is planned for the future. No other civic, business, or religious organizations have supported or opposed it.

The Advisory Council has been implicitly supported by a complaint filed with OCR in the summer 1979 by five parents of handicapped children. They alleged that a new auditorium was inaccessible to the handicapped. After an HEW site visit, the district was ordered to change relevant aspects of the construction and to permit these parents to review all new building plans. This informal "504 Compliance Committee" has reviewed new plans, and filed another complaint in early 1980 about several accessibility problems. The complaint is still

under investigation.

The 504 Compliance Committee and the Advisory Council are in close communication, and will have two joint members in the fall of 1980, but there are no formal ties between them. It is not clear exactly how influential the recent complaint history was when the School Board established the Advisory Council but respondents assume that it provided motivation to establish such a board to avoid further complaints.

Government Support:

No apparent support has come from local, state, or federal governments.

Media Coverage:

Mostly by accident, the initial complaint at the School Board meeting received extensive local television and press coverage.[163] Coverage continued throughout the succeeding nine months before the Council was formally established, and apparently added to the pressure on the school administration to create it. Council meetings and administrative responses are regularly reported; both positive and critical stories about special education programs have also contributed to administrative cooperation with the Council.

Clear Mandate:

There is no formal, written mandate. The School Board, the formal sponsor, and Shep Weinswig, the parent organizer, have developed informal guidelines.

Commitment of Sponsor:

Although the Council can only make recommendations, the superintendent has publicly described it as a policy-making body. All its recommendations have been accepted in slightly altered form. The only point of controversy is the newsletter; two stories written by parents have been omitted, presumably at the behest of a school administrator. This issue continues unresolved. As Mr. Weinswig points out to parents, however, the fact that "the administration doesn't want bad publicity...may be very positive, very helpful, and very beneficial."[164] If parents persist in defining and publically expressing their needs and complaints, the schools will commit themselves to a resolution.

Commitment of Members:

Parents feel confident that the Council is fully independent of the School Board despite the administration members on it and the newsletter dispute. The group shares a focus on obtaining new educational programs for handicapped children and monitoring existing programs. Parent commitment is high, because it is apparent to all that joint efforts have been far more successful than individual complaints were previously.

Training:

Council members have received no training or technical services beyond those of the school system. They are satisfied, however, with the research by their members and school staff.

Effective Leadership:

The organizer, Shep Weinswig, has clearly met great success in uniting parents to support the Advisory Council. He started by telephoning hundreds of parents and he has continued to lead it. He is also primarily responsible for administration support. Were he to leave Fort Wayne or the Council, it would almost certainly lose some of its bite. He has been most successful in harnessing the frustrated energies of individual parents of handicapped children and directing them toward joint efforts.

Strategies

Stance toward the School District:

Under Mr. Weinswig's direction, the Council has always been firm and persistent but nonadversarial. Holding an informal, parents-only meeting before the formal, full meeting permits parents to become better acquainted with one another, to voice disparate opinions and feelings, and then to present a unified front to the school district. This greatly

facilitates the full Council meetings and adds pressure to the recommendations.

Organization and Membership:

Another successful strategy for dealing with the school district has been to bypass the Special Education Director and go directly to the more sympathetic superintendent and top administrators. An earlier monitoring and advocacy group and earlier parent demands apparently foundered because they were unable to obtain the support of the Special Education Director or to get past him. The Advisory Council, however, was created by one superintendent and contains the present superintendent and his top administrators, thus providing both an easy, direct channel of communication and some clout over educational decisions.

Outcomes

The School Board established an academic special education summer program in response to an Advisory Council recommendation for such a program. It has also instituted two changes in transportation at the request of the Advisory Council; all vehicles carrying handicapped children will carry their medical records and releases and citizen band radios. In addition, the School Board has increased its efforts to accomodate handicapped children in school transportation and has begun "trial runs" for them. This change may not be directly attributable to the Advisory Council, but it was clearly influential in bringing this issue to the attention of the School Board.

A final outcome is a social or political one as much as an educational one. What was formerly a collection of angry, frustrated, separate parents of handicapped children is now a more unified network with communication among them and much more hope for and satisfaction with the schools. Finally, this group now has an undisputed claim to the attention of the school district on issues which affect their children, and a forum for effectively expressing their views and demands.

IX. ANALYSIS AND RECOMMENDATIONS

A. Monitoring Body Complexity

We begin thi: final section of conclusions and recommendations with a cautionary comment. Case studies cannot accurately convey the confusion and complexity encountered in actually researching citizen monitoring groups. This complexity takes two forms. First, particularly with race desegregation, where emotions run so high and ideologies are so strong, different people often have different perceptions of the same process. They remember some events but not others; they quote important actors differently; they give widely varying interpretations of actions, motivations and consequences. Often these variations in perception obscure changes in the desegregation process, and always they make it difficult to interpret the role and effectiveness of the monitoring group in that process. It is, of course, the researcher's job to determine what this sound and fury signifies; we have tried to so, but we wish to underline the fact that even apparently uncontroversial descriptions may hide vehement disagreement. Thus our first recommendation is:

> Do not rely on any single observer's, or any small set of observers', explanations and interpretations of events--especially of race-related events. Monitoring bodies cannot be fully objective; personal ideologies, ascriptive traits, and occupations are bound to affect one's view of a situation. Thus even if a sponsor designates a single person as his official communication link to the monitoring body, and designates the monitoring body as the single official observer, the sponsor should be alert to the problem of one-sided and conflicting interpretations.

The other form of complexity is structural rather than perceptual, and occurs particularly with sex equity and handicap related groups. These bodies often have very amorphous beginning and ending points, no clear sponsor or mandate, no formal internal structure, and no sharp distinctions between members, non-members, parent groups, or spin-off groups. Again, it is the researcher's job to impose clarity on vagueness; we have tried to do so, but we wish to

underline the fact that many declarative statements have imposed a formality that does not necessarily exist in the minds of the participants.

B. Sponsor's Expectations for a Monitoring Body

Many judges presiding over race desegregation cases appear to be reluctant to take them on. One in our sample was publicly quoted as saying that he would trade the desegregation case for the Pentagon Papers case in a second. This reluctance may stem from a number of sources, such as personal dislike of desegregation or of its consequences or professional distaste for the messiness and convolutions of public law litigation. If these judges appoint a monitoring committee, it may be in the hope (conscious or not) that the group will make the problem go away--or at least move it from the judge's desk to someone else's. The sponsor's mandate and assignment of responsibilities to the committee become irrelevant to the committee's real mission, which is to give the schools, media, community leaders, parents, plaintiffs, and others some entity besides the court on which to focus their wrath, curiosity, or demands. In such a situation, one of three things occurs: 1) the monitoring body recognizes that its real role is symbolic, and takes only symbolic actions which lead to disillusionment with citizen "participation;" 2) the monitoring body resists this symbolic role, and follows its own agenda, which might include investigating complaints, monitoring the schools, issuing reports and recommendations--all of which increase pressure on the sponsor to act, rather than decreasing it as he had intended; or 3) the monitoring group resists its symbolic role and attempts to carry out its formal responsibilities or its own agenda. In this case, the sponsor responds by continually taking actions to restrain the committee's power and to restrict its scope of activity--leading to great frustration on all sides. The main points here are two: we must not assume that the stated goals, mandates, and responsibilities of a monitoring group are the real ones and we must recognize that an effective

monitoring body will probably make life more complicated for its sponsor -- not less. A well-functioning group continually points out problems that need resolution. It needs frequent communication from its sponsor both to keep its morale high and to make sure it is helping to achieve the sponsor's civil rights goal. It needs occasional demonstrations (or threats of demonstration) of power from its sponsor when it is faced with a school district defying its authority. It induces more demands from some citizens for more civil rights action by the sponsor and induces more fears from other citizens of such action. All of these activities will lead to more work for a sponsor. Thus we recommend:

> A sponsor of a monitoring body should be prepared to spend as much, or more, effort on the civil rights issue being monitored as he would if no such group existed. A monitoring body is not a means of delegating responsibility or tasks; it is a means of helping a sponsor better perform his task.

We also recommend:

> A sponsor should beware of hidden agendas, his own and others, in setting up and overseeing monitoring groups. It is unlikely that all members of the group will share such hidden agendas, and the ensuing conflicts between group and sponsor and within the group inhibit the group's effectiveness.

This same dynamic occurs with sponsors other than judges and in cases other than race desegregation. A school system, for example, may set up a monitoring body whose ostensible purpose is to oversee implementation but whose real purpose is to defuse criticism or co-opt critics. A state or federal agency may set up a monitoring group as a way of delegating responsibility that it hasn't the resources or desire to take on itself. In both these cases, one or more of the three dangers described above will occur and the monitoring process will be worse than useless.

Of course, some sponsors--whether judges, schools, agencies, or private organizations--are deeply committed to their goal, and fully intend the monitoring group to help them achieve it. Their problems will be different.

C. Civil Rights Goals and Monitoring Body Mandates

Having cautioned against taking stated goals and mandates too seriously, we now turn to an examination of those goals and mandates. Table 18 uses the four-part typology developed in sections III and IV above to identify the sponsor's civil rights goal, the monitoring body's mandate, and the monitoring body's own goals, for the eleven race-related monitoring groups we studied in depth.

TABLE 18

SPONSOR'S CIVIL RIGHTS GOALS, MONITORING BODY MANDATES, AND

MONITORING BODY GOALS IN RACE DESEGREGATION CASES

School District	Definitions of Civil Rights Goals			
	Statutory	Political	Educational	Social
BOSTON				
Sponsor's Goal	primary		secondary (opportunities model)	
Monitoring Body's Mandate	second CCC CDACs CPAC (after CCC was disbanded)	CDACs, pairings (interest group model) REPCs, CPAC, RESCs (grass roots model)	pairings (opportunities model)	first CCC REPCs RESCs
Monitoring Body's Own Goal		first CCC (some members) CPAC REPCs	REPCs, CDACs (results model)	
BUFFALO				
Sponsor's Goal	primary			
Monitoring Body's Mandate	Commission-primary		pairings (opportunities model)	Commission-secondary
Monitoring Body's Own Goal		Commission-secondary (grass roots model)	Commission-primary (both models)	

(Table 18 continued)

School District	Definitions of Civil Rights Goals			
	Statutory	Political	Educational	Social
CLEVELAND				
Sponsor's Goal	primary		secondary (opportunities model)	
Monitoring Body's Mandate	OSMCR (explicit, primary)	OSMCR (implicit, secondary)		
Monitoring Body's Own Goal	OSMCR (explicit, primary)	OSMCR (implicit, secondary)		
DAYTON				
Sponsor's Goal	primary			
Monitoring Body's Mandate	DCAB-secondary			DCAB-primary
Monitoring Body's Own Goal	DCAB-secondary			DCAB-primary
DALLAS				
Sponsor's Goal	primary			
Monitoring Body's Mandate		Educational Task Force (interest group model)		TEC
Monitoring Body's Own Goal	TEC (some members)	TEC (some members--grass roots model)		TEC (some members)

(Table 18 continued)

School District	Definitions of Civil Rights Goals			
	Statutory	Political	Educational	Social
DENVER				
Sponsor's Goal	primary (Doyle & Matsch)		secondary (Doyle)	
Monitoring Body's Mandate	CEC-secondary		CEC (opportunities model)	CEC
Monitoring Body's Own Goal	CEC (some members)	CEC (interest group model for some members; grass roots model for some members)	CEC (results model for some members)	
DETROIT				
Sponsor's Goal	secondary (after Milliken I decision)		primary (after Milliken I decision -- opportunities model)	
Monitoring Body's Mandate	Commission-primary			Commission-secondary
Monitoring Body's Own Goal			Commission-primary	
LOS ANGELES				
Sponsor's Goal	primary (1978-80 plan, most of 1980- plan)		primary (1980 - plan for RIMS -- opportunities model)	

(Table 18 continued)

School District	Definitions of Civil Rights Goals			
	Statutory	Political	Educational	Social
LOS ANGELES (continued)				
Monitoring Body's Mandate	Monitoring Committee (1978-1980) Special Monitors (1980 -)	Monitoring Committee (1980-)		Monitoring Committee (1980-)
Monitoring Body's Own Goal	Monitoring Committee(some members) Special Monitors	Monitoring Committee (some members-- grass roots model) Special Monitors (interest group model (??))		
MILWAUKEE				
Sponsor's Goal	primary			
Monitoring Body's Mandate	Monitoring Board			
Monitoring Body's Own Goal			Monitoring Board (results model)	
PORTLAND				
Sponsor's Goal	secondary (to preempt litigation)		primary (opportunities model)	

(Table 18 continued)

School District	Definitions of Civil Rights Goals			
	Statutory	Political	Educational	Social
PORTLAND (continued)				
Monitoring Body's Mandate		Coalition (interest group model)	Coalition(opportunities model)	
Monitoring Body's Own Goal		Coalition (interest group & grass roots models) Black United Front (grass roots model)	Coaltion (opportunities model) Black United Front (results model)	
SEATTLE				
Sponsor's Goal	secondary (to preempt litigation)		primary (opportunities model)	
Monitoring Body's Mandate			Advisory Committee (opportunities model)	Advisory Committee
Monitoring Body's Own Goal			Advisory Committee	Advisory Committee

What can we conclude from Table 18? First, it is hardly surprising to discover that judges have statutory desegregation goals, and that school distr:cts have primarily educational goals. What is surprising to note is how few monitoring bodies have been set up to facilitate the achievement of those goals. Most monitoring bodies are given several mandates, or a mandate that does not make clear what goal they are supposed to be facilitating, or a mandate to pursue a goal different from the sponsor's primary goal. Furthermore, many monitoring bodies develop goals for themselves that are at odds with, or at least are not consistent with, the sponsor's civil rights goal and mandate to the committee. This divergence among civil rights goals, monitoring body mandates and monitoring body goals generally creates confusion and tension that decrease the effectiveness of the monitors.

Thus our fourth and fifth recommendations are:

> Make sure that the mandate, structure, membership, resources, and strategies of the monitoring body are appropriate to the civil rights goal which they are intended to facilitate.
>
> Make sure that the body does not displace its mandate to another goal. Alternatively, make sure that the new monitoring body goal is acceptable to the sponsor and all members, and that the resources, structure, and strategies are changed to fit the new goal. Our best judgement of the appropriate features of monitoring bodies for each of the four civil rights goals is contained in Section IV of this report.

The recommendation that the monitoring body be tailored to fit the civil rights goal implies another:

> The establishment of a monitoring mechanism should <u>never</u> be an afterthought; it should be contemplated as the sponsor writes his plan or orders. Organizational structure, membership, resources, and strategies should be planned very carefully.

This recommendation seems obvious; it is worth emphasising only because it is one to which sponsors seldom adhere. Judges and other sponsors have told us that they did not know exactly what they wanted a monitoring body to do when they set it up, or that its members were people who happened to be available and interested, not necessarily people who were best suited to the

particular monitoring task. In these cases, the monitoring bodies have often had internal conflicts and have lacked necessary resources which could have made them more effective.

The final recommendation along these lines is:

> A monitoring body should be established before the remedy or order is given, or before the overseeing agency tries to force a school district to comply with its regulations.

There are several reasons for this recommendation. First, an important role of almost any monitoring group is to make clear to school personnel and the community what is required for compliance and why. This educational process should begin as early as possible, before battle lines are established and factually mistaken views solidified. Second, a monitoring group needs time to develop its internal relations and decide on its agenda and stragegies—all of which should take place before the first day of school under the new civil rights requirements. Third, a monitoring body needs time to develop workable relations with the schools, the community, interest groups, and its sponsor--all of which also should take place before implementation begins. Fourth, and we have found this to be especially true with a statutory monitoring group, monitoring bodies benefit from observing a base line of school activity against which to compare later implementation activities. For example, Judge Battisti pointed out in his Order of June 1, 1979 that "The importance of OSMCR's [Cleveland] role in preimplementation planning cannot be overemphasized. As anticipated..., OSMCR's monitoring activities have significantly aided the Court's careful planning efforts." Fifth, citizens with complaints or questions about the civil rights transition benefit greatly from having an organized body to which they can take their concerns. And finally, a monitoring group may work best when it is perceived as part of an on-going process, not as a sudden imposition from the outside into that process. For all of these reasons, a monitoring group should begin before implementation begins, which is possible only if its purpose and structure have been thought out carefully in advance by the sponsor.

The relationships among sponsor's goal, monitoring body mandate, and monitoring body goals for itself may be less of a problem in sex equity and handicapped cases than in race desegregation cases because the sponsor and recruitment processes are often different. When school systems sponsor a group, they tend to appoint their own staffers or parents who have worked closely with school personnel for a long time. In this case, the civil rights goals, monitoring body mandate, and monitoring body internal goals are likely to be the same. It is possible, of course, for a school-sponsored group to disagree with the school's mandate for it--as in Portland and Seattle--but this phenomenon is less common than when an outsider, such as a judge or agency, appoints the group. Alternatively, the sponsor may be a private interest group which designates some of its members to be the monitoring body. In this case, the disjunctions described above are unlikely to occur because the interest group members concur in their goals and perceptions. Most of the sex equity and handicapped groups that we studied had no problem with conflicting goals and mandates.

Note that this discussion does not imply that a sponsor should ask a monitoring group to pursue only one goal. The issue of multiple goals, and multiple mandates to a monitoring group, is complex and is the issue to which we now turn.

Some monitoring body mandates are compatible, but some are not. A sponsor should be very careful to give the monitoring body compatible mandates and to avoid incompatible ones. We make the following recommendations about combinations which seem especially fruitful, or fruitless:

> A statutory mandate should not be combined with a political or social mandate, or a results-oriented educational mandate. It can, under some circumstances, be combined with an opportunities-oriented educational mandate.

The example of the Cleveland OSMCR shows why a statutory mandate is incompatible wi a political role. No matter how objective, verifiable, and fully documented are the monitoring reports of a statutory group, as soon as it is perceived as a political actor it will lose credibility with those who oppose its sponsor. It will also have an extremely difficult time itself avoiding becoming a political actor, as distinguished from an observer. Implicit advocacy of change cannot successfully be combined with an explicit role as objective, uninvolved observer.

The example of some Boston CDACs shows why statutory and results-oriented educational mandates are contradictory. The reasoning is similar to that in the paragraph above: careful, objective, fully-informed monitoring cannot take place in an atmosphere of confrontation, advocacy by monitors, and defensiveness by school personnel. Results-oriented members may become very impatient with "bean-counting" legal concerns and may even reject the high priority on integration per se implied in most court orders or statutes.

The main problem with combining statutory and social mandates is the entirely distinct set of skills and connections required of members in the two types of groups. The roles are less contradictory than simply very different; data-gatherers may not be skilled at making friends and conciliating in tense situations, and vice versa.

The Sacramento sex equity groups suggest that a statutory mandate can usefully be combined with an opportunities-oriented educational mandate. Both require objective and systematic monitoring; neither is inherently threatening to a school system. After all, legal goals are often intended to improve educational opportunities. However, the sponsor should beware of a danger which can make these two mandates incompatible. A statutory group may slip into an adversarial relationship with the school system, whereas an educational opportunities-oriented group may be coopted by the schools. If these slippages occur, a monitoring group may be irretrievably torn apart.

> A results-oriented educational mandate is usefully combined with a grass-roots political mandate. Alternatively, an opportunity-oriented educational mandate is usefully combined with an interest-group political mandate. The other possible combinations here (educational results and interest-group politics, and educational opportunities and grass-roots politics) are inherently unstable and possibly counterproductive.

The first combination has a change-oriented, even radical, thrust. The second has a reformist, ameliorative thrust. The first involves people who seek responses from the school system as a matter of right; the second combination seeks resources from the school system through trades and offers of other resources that the school system wants. The pairings in Boston and Buffalo are good examples of the reformist combination; the REPCs are a good example of the radical combination.

> A social mandate is probably best combined with an interest group politics and/or educational opportunities mandate.

The development of networks among formerly separated groups, all of which are becoming involved in expanding educational programs, is an obviously compatible set of activities. They all are likely to involve community leaders who bring a wide set of skills and resources to the group; they all seek cooperative relations with the school system, and they all seek to bring formerly deprived children into the cultural and educational mainstream. Tensions are possible, of course, particularly if a social group sees its main role as protecting the rights and interests of disadvantaged children. But the Fort Wayne Advisory Board, among others, provides a good example of how political, educational, and social roles can usefully be combined.

The final recommendation addressing the combination of mandates comes from observing the success of the California and Michigan sex equity groups and the changes now underway in the Los Angeles monitoring process. It is:

> The best way to achieve a variety of civil rights goals is to set up several citizen groups, each with a different mandate, membership, set of resources, and set of strategies.

> These groups should clearly understand the boundaries between them and the limits of each, but they should also work closely together and where possible, reinforce each other's activities.

The advantages of a network of groups with distinct mandates all working toward separate but complementary ends include the avoidance of intra-group conflict and of efforts to switch from objective observer to passionate activist and back again. A network also gives the schools and community clear foci for different types of communication and claims. The dangers of a network are illustrated by the Boston case; the groups may expend their energy in fighting with each other over resources, power, and mandates rather than pursuing civil rights goals. To avoid such fights over turf, we emphasize the following recommendations:

> The sponsor must make sure that each group clearly understands and accepts its mandate and its relationship with the other groups.
>
> The sponsor must make sure that the structures and members are appropriate for each group.
>
> The sponsor should build as much as possible on groups that already exist to achieve a particular civil rights goal.
>
> The sponsor should make definitive allocations of any new resources and should not permit any ambiguity over allocations of new powers, resources, or objects for monitoring.

Note that the sponsor himself can play the role of one of the groups in the network that we have just described. For example, if a state civil rights agency or OCR does its own monitoring for legal compliance, the citizen groups can concentrate on other goals and can avoid an adversarial relationship between school and community. The PEER Project in Michigan illustrates this point; it pursues goals of participation and educational opportunity and leaves the complaint and compliance issues to NOW and OCR. As the "good guy" in a "good guy-bad guy" team, PEER gets much more cooperation and

information from the school systems it is involved with than its resources and power would suggest.

Our last point about combining roles is more an observation than a recommendation. In several cities where race desegregation monitoring groups began with mainly statutory mandates and focused on questions of racial balance, they have recently moved to a results-oriented educational goal. Many now claim that the "real" purpose of civil rights action and citizen monitoring is to improve the education of deprived children whether or not schools and classrooms are desegregated. This shift in emphasis has occured in Portland, Detroit, Milwaukee and Boston. In other cities such as Dallas and Denver (and for some members of the Coalition in Portland), the groups have shifted from an outside monitoring role to so much cooperation with the school systems that some respondents warn of cooptation. Thus sponsors should be prepared for monitoring groups to move away from their original mandate. The evidence suggests that in some cases the group, or at least many of its members, becomes radicalized and abandons "bean-counting" for a focus on "quality education." In other cases the group loses its original critical tone and concentrates on the educational or social issues of greatest interest to the schools themselves.

A somewhat different recommendation about mandates addresses all four types and all combinations of types. The mandates for many monitoring groups, especially within one civil rights domain, appear very similar and similarly vaguely worded. What matters most is the committee's and sponsor's interpretation of the mandate. Thus we recommend:

> The mandate from a sponsor should clearly state the general mission, responsibilities, and authorities of the monitoring body. The entire group should then meet with the sponsor to answer questions and clear up misunderstandings. The mandate should be flexible enough to permit the monitoring body to decide how exactly to carry out its responsibilities. The monitoring body should have easy access to the sponsor to clear up misunderstandings that arise during its work, and it should explain its mandate clearly and repeatedly to the public and schools.

D. Authority and Power

The next major topic for a sponsor to consider is leverage, or "clout" as most respondents termed it. Our basic finding on this topic is simple: if a monitoring body has no leverage on a school system, or if there is not a general perception that the sponsor has such leverage and uses the monitoring body's experience to help him decide how and when to use it, a citizen monitoring group is useless. This extremely strong conclusion was almost universally drawn by our respondents who are or have been affiliated with monitoring groups. They point to the voluminous studies and recommendations made by citizen groups in most school districts, studies which are now gathering dust on some harried staffer's or bored bureaucrat's shelf. They point to the opposition to desegregation, the indifference to sex equity, the fear of expenses for handicapped education in arguing that civil rights implementation will be resisted by school districts wherever possible. They point to the many parents and community leaders who have begun involvements with school systems with high enthusiasm and great energy, and who are now disillusioned and bitter because their work went for nothing. They point to the teachers and administrators within the school system who are eager to comply, but who fear sanctions or simply can make no headway against a nonsupportive top administration or school board. They point to school administrators who have learned that they can ignore pressure from federal agencies and local citizens with impunity. For these reasons they--and we--argue that a monitoring group with no power to force change is worse than irrelevant, it is actually destructive to itself and to community morale. We recommend:

> The sponsor must either make it clear to all concerned that a monitoring group is purely advisory and subject to the school's desires for it, or he must make it clear that the committee has his backing and that its experiences will be used in determining his future relations with the school system. If the sponsor makes the latter claim, he must be prepared to back it up when necessary.

The experience of the OSMCR in Cleveland demonstates not only the dangers of a powerful group and sponsor, but also the benefits and necessity of using clout.

Note that leverage can take many forms. The most obvious and perhaps most potent is a court order with a judge prepared to issue further orders. A federal or state regulatory agency willing and able quickly to decide to withhold funds for noncompliance is equally convincing. But there are other forms of leverage. It could be favorable media coverage of the group or unfavorable coverage of the schools such as that used in Fort Wayne, pressure from local business or political leaders as in Dayton, a political movement among local voters against a recalcitrant elected school board or its appointees as in Boston a few years ago, a boycott against the schools as in Portland, and so on. Future monitoring groups should be given the resources needed to achieve at least one of these forms of clout.

The question of leverage is influenced or determined by the choice of civil rights goals. There is no "correct" type of leverage appropriate for all situations; instead, a sponsor and monitoring group should have a clear conception of which goals, strategies, resources and types of leverage work well together. Most respondents who endorse citizen monitoring groups claim that the first job of the group must be to act in a way that convinces the school system that compliance with the court order or regulations is necessary and inevitable. Thus a statutory goal, and the leverage of a court order or agency funding discretion, must come first. Only when the school system knows that it must comply can a monitoring group broaden its scope and pursue other goals.

However, some respondents claim that in their situation it is impossible to achieve legal compliance without first "raising the consciousness" of school personnel and community members. They claim that legal threats are too strong a weapon, that the school system needs first to be shown how it would benefit from complying and how it can comply. In this situation, educational and social goals come first and leverage in the form of media coverage and

the promise of resources from business, cultural, and educational institutions are most appropriate. For example, one respondent argued that in a fiscally austere time a school administrator may need "community pressure" on him in order to convince the school board that he has no choice but to do what he wanted to do anyway. This consciousness-raising strategy is advocated by some members of the Utah Legal Center for the Handicapped.

Finally, some claim that legal goals of racial and sexual balancing or handicapped mainstreaming are no longer (if ever) the desired outcome, that what matters most is improving the educational achievements of deprived children. For them, the power of voter opposition to elected officials or citizen boycotts and protests are the most appropriate forms of leverage. Therefore we recommend:

> The sponsor and committee members should make sure that the kinds of leverage they seek and use will be effective in facilitating achievement of the civil rights goal that the monitoring group is working to facilitate.

As the discussion above implied, the right <u>level</u> of leverage used is as important as the right <u>kind</u> of power exerted. Applying too much power can be as useless, even destructive, as too little power. Therefore we recommend:

> The sponsor should make sure that he and the group members agree on what levels, as well as what kinds, of leverage are appropriate in particular situations. Ideally, they should reach this agreement, and publicize their intentions, before a crisis arises; the sponsor must then live up to his statements unless he has an excellent reason not to. The sponsor and group should make sure that the level of power they intend to use is available, is appropriate to the general context as well as the specific circumstance, and is compatible with the monitoring body's mandate, structure, resources, and strategies.

E. <u>Structure</u>

Different structures seem most appropriate for different types of monitoring bodies, as described in Section IV. The main general point is that some structure should be established early, perhaps before the body begins its work, so that procedural questions do not dominate the first few

weeks or months of work. We recommend:

> The sponsor and chair of the monitoring body should set up an appropriate structure before the body begins its work. Decisions should be made about subcommittee organization, recruitment of members and staff, allocation of resources and authority within the committee, and communication channels with nonmembers. The structure must include mechanisms for change, and must be flexible enough to respond to new circumstances or members' unanticipated needs.

F. Membership

Although members do change their views as a result of the monitoring experience, the direction that a monitoring group takes is largely a function of the views and skills its members bring to it. At a minimum:

> A sponsor should be very careful in choosing the members of a monitoring group since the group's composition is a key determinant of its direction and effectiveness.

For that recommendation to be useful, however, we must specify more clearly the elements of a good choice. Consider first the question of diversity among members. At least for the case of race desegregation, some forms of diversity within a monitoring group cause it to be totally ineffective. For example, a group that has such a wide range of opinions about desegregation that it "retries the case" every time it meets is not able to get much done. The first CCC in Boston illustrates that point. A group that has only a few social scientists among many activist parents, or vice versa, may exclude the nonconforming members from any meaningful participation That was a constant concern of the Los Angeles Monitoring Committee. A group whose public members have a completely different agenda and style from its staff is also unable to accomplish much.

On the other hand, other forms of diversity within a group can enhance its effectiveness. A group completely identified with one party in the suit or one position in the compliance process will have no credibility with the other parties and positions. The Buffalo Commission was ineffective partly

because its members were all identified with one viewpoint. A critical mass of activist parents can bring a sense of urgency and immediacy to the detached and less minutely informed social scientists; a critical mass of data analysts and uninvolved experts can bring a sense of balance and perspective to angry parents. A well-constructed group will have members whose skills and constituencies differ from, but complement, each others' and the staff's.

The question of diversity among members seems not to be a problem in any of the sex equity or handicapped cases we studied. Some groups were small and highly uniform; they achieved the desirable features of diversity by working with other, different, groups. Some groups had diverse members who worked well together. The differences here may reflect the intensity of public concern about the issue. Race desegregation is a hotly contested subject; the other two are not so the question of credibility and representativeness is more sensitive for the latter than for the former.

To achieve enough but not too much diversity among members, we make the following recommendations:

> The sponsor should choose members who are committed to carrying out the civil rights court order or regulations, whether or not they firmly believe in it. They need not advocate desegregation but they must advocate obeying the law.
>
> The sponsor should make sure to choose members so that all actors in the process trust and respect at least some members in the monitoring group. That probably means that there should be some educators, a considerable number of minority representatives, some members with standing in the business community, and so on.[165]
>
> Perhaps the best way to ensure that all actors trust at least some members is to ask each major actor to submit a list of acceptable candidates to the sponsor. The sponsor then chooses among that list of names according to other criteria, such as commitment to compliance and the symbolic issues to be discussed below.

The other main issue in choosing members is the importance of symbolic concerns. Having local residents with children in the public schools on the committee is a powerful symbol to community residents; so is having sub-

stantial representation among and committee power held by members of formerly deprived groups. The question of length and location of residence may have little to do with one's skill as an observer and reporter but it is an easy and convincing issue for skeptics to use in trying to dismiss the findings of the monitors. In short:

> The sponsor should be extremely sensitive to symbolic issues of place of residence, length of residence in the community, number of children in the public schools, socio-economic status, race, ethnicity, sex, and handicap in appointing monitoring group members. He should avoid appointing many people who are easily discredited on symbolic grounds.

> Also for symbolic purposes, the sponsor should appoint (or organize school elections for) student representatives on the committee. The students should not be treated merely as symbolic appendages; they should be full-fledged members of the committee with as much authority and responsibility as possible. However, their greatest value may be a symbolic one.

G. Resources and Strategies

Most recommendations about resources and strategies are implied by the tables in Section IV, since they vary by monitoring group type. However, some recommendations are appropriate for all groups.

1. Funding:

At least some funds, which are assured and regular, which can be spent at the monitoring body's discretion, and which are provided in a way that permits the body to remain independent of their donor, are essential. At a minimum, the group must have clerical help and supplies in order to communicate internally and with the sponsor, schools, and community. At a maximum, it needs funds for a large professional staff and computer time, for public forums and activities, for travel and consultants, for salaries of school monitors, and so on. Therefore we recommend:

A sponsor must provide, or otherwise ensure, steady and reliable -- although not necessarily a large amount of -- funding that the monitoring body can use as it sees fit and that has no implicit or explicit strings attached.

2. Staff:

The staff can make or break a monitoring group. Ideally, the staff should perform those among the following functions that are relevant to the group's mandate:

1. design, administer, analyze, and interpret uniform, objective, comprehensive monitoring forms;

2. obtain and analyze data from the schools;

3. obtain and analyze other information from the schools through meetings, memos, informal contacts, etc;

4. organize meetings so that citizen members have a clear agenda, clear sets of choices to make about future activities, and clear choices to make about further directives to the staff;

5. organize community forums, hearings, social gatherings, and other political and social activities;

6. take care of daily administrative details;

7. compile information and distribute it to the media, the community at large, and opinion leaders;

8. boost the morale of public members "on the firing line" by helping them to feel that they are not alone and by acting as a sounding board for ideas, criticisms, and emotions;

9. follow the public members' directives in compiling reports, but also ensure their accuracy and verifiability;

10. train, organize, and oversee volunteer monitors; and

11. organize and oversee pairings between schools and other community institutions that have resources desirable to the schools.

staff is not automatically an unmixed blessing. The sponsor, and especially the monitoring body itself, must beware that the staff:

1. does not become a bureaucracy with a life of its own, which spends a disproportionate amount of its energy on internal issues, and which seeks its own perpetuation or expansion regardless of the state of civil rights implementation;

2. does not become the sole link between the sponsor and the group, thereby cutting the citizens off from their source of direction and motivation, and cutting the sponsor off from the benefits of lay rather than professional monitoring;

3. does not shape the committee's agenda, or reinterpret its directions so strongly as to change its role from employee to independent actor;

4. does not take over so much interaction with the schools that committee members no longer have a predominant monitoring role;

5. does not become so involved to one side or another in the dispute that its reports are unfairly biased or based on unverifiable claims; and

6. does not exacerbate the inevitable tensions among committee members.

Various monitoring groups have had these difficulties with, and the benefits from, their staffs. We recommend:

> The sponsor should ensure that the committee has at least a skeletal paid staff, probably chosen by the committee members and accountable to the committee.
>
> The sponsor and public members should choose staff carefully, focusing more on competence and acceptance of the committee's goals and mandate than on personal or ascriptive traits. The role and status of the staff should be thoroughly discussed and understood. Sponsor, public members, and staffers should all be alert to potential problems with staff relations, and move to solve them early.

3. Leadership:

The quality of the chair's leadership is crucial to a body that is composed of people with limited time, varying constituencies and pressures, different ideologies and desires, and disparate backgrounds and skills. A good chair must be able to weld this group into a cohesive unit that can agree upon and accomplish only a small set of its possible and desirable tasks. The chair must be able to keep control over the staff while leaving it enough autonomy to work; he or she must maintain good relations with the schools while insisting on certain demands; he or she must act as a public spokesperson and link to the sponsor without violating the autonomy of individual committee

members. In general, we recommend:

> The sponsor should be especially careful in designating the chair of a monitoring body. He or she must have public and private stature, strong leadership abilities, finely-tuned political instincts, and a commitment to give the time and effort necessary to lead a group of volunteers in a very delicate and difficult task.

The sex equity and handicapped cases suggest one possible way to get a good chair. The most effective among these groups, such as SEPEP, the Fort Wayne Advisory Council, and the Jacson PEER Project all were chaired by or closely tied to their founder. The orginator of a group by definition has the drive, political skills, personal contacts, and administrative abilities to set up a monitoring body; he or she may also be able to use those skills to lead it. However, the cliche about presidential politics may be applicable here too--the skills needed to win an elected office may not be the ones needed to run it well. A group whose founder is its leader also runs the risk of being so completely identified with that person that it does not develop enough of a base in the community to sustain itself after that person leaves the scene.

Finally on the subject of leadership, groups with different mandates and doing different kinds of monitoring may need different kinds of leaders. Our recommendations on this point are contained in the tables of Section IV.

4. Relations with the School System

The twin dangers for a monitoring group are co-optation and extreme adversarial relations. Some conflict with the schools is probably inevitable if a monitoring body is doing its job well; sponsors should be wary of consistent agreement. But monitors may be so antagonistic or sensitive to co-optation that they needlessly aggravate school officials. All opponents of a desegregation plan are not necessarily racist; all demurs about a Title IX evaluation do not necessarily reflect personal or institutional sexism. We recommend:

Monitoring groups should submit reports to the schools for comments or response before submitting them to the sponsor or making them public. The group should not be committed to making changes suggested by the schools, but they should somehow publicly acknowledge the schools' response.

Monitoring groups should be alert to positive actions taken by the school system, and report positive actions whenever possible. It should not tone down justifiable criticisms, however.

5. Relations with the Community:

Our main additional recommendation in this arena is to statutory groups. No such monitoring group has been completely successful in carrying out its responsibility to educate the public and school personnel about why compliance is necessary, and exactly what it consists of. The OSMCR in Cleveland has made valiant and exemplary efforts to do so, but its own close association with Judge Battisti and the intensely adversarial climate in Cleveland have led it to be associated with only one side of the case, and to have no credibility with opponents -- the very people it needs most to reach. A judge's main enforcement power in public law litigation is a contempt citation against school personnel or a placement of the school system into receivership. Both of these are drastic measures, to be avoided if possible. Furthermore, because desegregation cases are so hotly contested, and the facts of the matter are so complicated, even supporters of desegregation may misunderstand or disagree with parts of a court order. For example, many people in Cleveland or Boston have no idea what the schools really are like physically, how policies and programs discriminate against some children, or how a generally self-contained and publicly unaccountable administration acts. Because of the high probability of misunderstanding and the lack of finely calibrated punishments, a judge may feel a special moral obligation to make sure that people understand exactly what he has ordered and exactly why he felt it necessary to do

so. Thus community education is essential to legal compliance.[16]

An analogous argument can be made for other civil rights issues, and other types of enforcement agents. Federal and state agencies have the bludgeon of withholding or withdrawing funds, but they control few punishments short of that. Civil rights laws and regulations are complex and their fine points are easily disputed even by people who would like to comply. In particular, schools which do not comply with sex equity requirements often do not so much oppose sex equity as simply ignore it. As one respondent put it, "it's not cool to make racial slurs but it's still hilarious to make fun of women's libbers." Thus legal compliance may be achieved more easily if school staff and community members are taught the real evils of sex discrimination. The comparable problems for handicapped civil rights are that most citizens are not aware of handicapped issues, some feel distaste for certain physical or mental problems or, most important, ensuring civil rights for the handicapped is expensive. Thus here too, a sponsor and his group have a particular obligation to make sure that people understand why compliance is necessary and what it is before they are penalized for not complying. Thus we recommend:

> Provide statutory monitoring groups with the resources (e.g. a public relations person) and the commitment to make sure that the community understands exactly what compliance entails and why it is necessary.

Groups with other goals besides legal compliance should become adept at reporting to the public on successes and failures of the schools, results of complaint investigations, and results of mandated changes. Thus we recommend:

> Monitoring groups should make public reports regarding the progress or lack thereof in civil rights implementation. They should use these reports to set a public tone to motivate residents to communicate with the monitors, to increase pressure on the schools to change, and to reward schools for successful changes.

For both statutory and other groups, a frequent and regular reporting schedule and regular procedures for making reports to sponsor, community, and schools will facilitate the process of educating the community, informing the sponsor, and putting pressure on the schools.

Our other main point about community support is that monitoring groups should become more sensitive to and adept at building on already existing community sentiments. Monitors should plug into already-existing networks and groups as much as possible, although they must also be very careful to maintain their independence and not be caught up in irrelevant issues or old battles. One way to avoid this trap is to widen their contacts as much as possible. Community members who are known to and trusted by school teachers and administrators can be invaluable aids to a new monitoring body in many ways. Thus we recommend:

> Monitoring groups and their sponsors should build on already existing groups and networks wherever they can do so without being caught up in irrelevant issues.

The rest of our recommendations for resources and strategies vary according to the type of monitoring group established, and are contained in the tables of Section IV.

H. Meetings, Reporting Procedures, and Outputs

Once again, these mostly vary by type of group so are considered in Section IV. We have, however, one general recommendation:

> Whatever time and place are chosen for meetings, whatever form and frequency are chosen for outputs, whatever procedures for disseminating information are agreed upon -- these should be established early, routinized quickly, and left in place unless there is an extremely strong reason for changing them.

This is not a call for rigidity, but rather for standard operating procedures. Monitoring groups are composed of volunteers with different beliefs and skills, doing highly diffuse and innovative tasks, in a volatile and even deadly serious atmosphere. Each of these features contributes a strong centrifugal

force; anything that can be made routine and noncontroversial should be.

X. CONCLUSION

Monitoring, in all its variations, can be an enormously useful and flexible tool for helping to implement civil rights in schools. It gives courts and agencies a greater ability to enforce their mandates at relatively low cost; it gives schools a chance to fit the mandate to local conditions; it gives citizens a chance to shape crucially important and complex institutions in their lives; it facilitates true integrationn of different types of people. However, monitoring also nas built-in frustrations and conflicts, which must be confronted for it to succeed.

Perhaps the best way to understand why effective citizen monitoring can be so difficult is the following argument:

Monitors need a series of resources, which we have described, to accomplish their tasks. However, these resources are granted by different actors in the implementation process, who act independently of one another. If two actors are in an adversarial relationship, the more one actor gives of the resources under its control to the monitoring body, the more the group will be perceived as a tool of that actor, and the fewer the resources that the other actor will give. Thus, to take the simplest case, the court can give a body a mandate funding, staff, leaders, members, and the promise of judicial backing if necessary. But it cannot give the body information or legitimacy in the schools—only the schools can do that. And when court and schools are locked in a bitter fight, as in Cleveland for example, the more resources the court gives, the more that the schools withhold.

Table 19 expands this analysis to include other resources and actors:

TABLE 19

RESOURCES NEEDED FOR MONITORING BODY EFFECTIVENESS, AND THEIR DONORS

Resources	Actors Able, and Likely, to Grant Resources
Information from and communications with school district	School board School administrators School staff and teachers
Information and support from community	Parents of deprived and nondeprived students Business, civic, religious, political leaders Local chapters of national interest groups
Media coverage	Local newspapers Radio Local television stations
Government support	Local and state elected officials State department of education Federal agency (OCR, CRS)
Funding Staff Mandate Committed members Strong leader	Court Federal agency Sponsoring school board Sponsoring interest group Selves Other sponsors
Leverage over schools	Court Federal agency Local media Local leaders Local voters Community activists Students
Expertise	Members Staff Federal agency Local organizations School district

As Table 19 shows, the situation need not be a stark constant sum game. Many resources are available from a variety of actors. Some resources can substitute for others. Some resources are relatively unimportant for particular monitoring body mandates. But the core dilemma remains: a small set of resources are all necessary but not sufficient by themselves effectively to monitor civil rights compliance, and these resources are controlled by separate actors who are likely to be antagonistic to one another or to monitoring. These core resources are: 1) mandate, authority, and members, controlled by the sponsor; 2) information, controlled by the school system; and 3) community support or at least acquiescence, controlled by the community.

The strategies that a monitoring body must take to get enough of these three essential resources depends on local circumstances. If the school district is the sponsor, or is in agreement with the sponsor, the community is also likely to be supportive. In this situation, the monitoring body is able simply to work cooperatively with all actors. This is the situation of the Fort Wayne Advisory Council. Such a situation is the most desirable--but also is the one in which monitoring is least necessary and perhaps least forceful. If the school district and/or the community disagrees with the sponsor on civil rights goals or the means to achieve them, the monitoring body must make one of two choices in order to be effective. It may be very politically astute, and work hard to persuade all actors to give it the resources it needs. That is the strategy of the Commission in Detroit. This situation is the most common one in sex equity cases. Or it may rely heavily on a sponsor who has and will use a considerable amount of power to force the schools and community to cooperate with the monitors. That is the strategy of the OSMCR in Cleveland. This situation is most likely to occur in race desegregation cases, and it is the situation in which monitoring is the hardest to do effectively and the most important to do effectively.

Our last recommendation, therefore, is:

> To have an effective monitoring body, a sponsor must either a) ensure that all actors will give the monitoring body the resources it needs; b) give the monitoring body a leader, members, and other resources that will help it be persuasive to schools and community residents; or c) give the monitoring body the backing it needs to force the schools and community to give it the resources it needs. This choice will depend on local circumstances and the issue being monitored.
>
> The sponsor and monitors should adjust their expectations accordingly. The first situation makes effective monitoring most likely; the second situation makes it possible but uncertain; and the third situation makes it extremely difficult, though not impossible.

We conclude with a final reminder that there are no definitive rules on what to monitor and how to do it. The choice of goals, mandates, resources, and strategies, and the reasonable levels of expectation all depend on the kind of civil rights being monitored and the degree of enthusiasm or hostility to compliance among the actors. Monitoring is not a way to make a problem go away; it can be a way to help citizens participate in their schools and to make schools and governments respond to deprived minorities, women or handicapped students. Depending on how it is done, it is a technique for enhancing participation, improving accountability, assessing needs, mediating controversies, and promoting justice. It facilitates action without acting; it permits greater control without controlling; it lies on the boundary between public and private; it is as exciting as it is frustrating.

XI. FOOTNOTES

1. Robert Paul Wolff, The Poverty of Liberalism (Boston: Beacon Press, 1968): 127.

2. David B. Truman, The Governmental Process (New York: Alfred A. Knopf, 1951): part 1.

3. Theodore J. Lowi, The End of Liberalism, Second Edition (New York: W. W. Norton & Company, 1979); Lorraine M. McDonnell and Gail L. Zellman with Stephen Weatherford, An Evaluation of the Emergency School Aid Act Nonprofit Organization Program: Vol. III, The Role of Community Organizations in Facilitating School Desegregation (Santa Monica, California: Rand Corporation, 1978).

4. Mancur Olson, The Logic of Collective Action (Cambridge, MA: Harvard University Press, 1965): 53-65.

5. Max Weber, "Bureaucracy" in H.H. Gerth and C. Wright Mills [eds. 2nd trans] From Max Weber (New York: Oxford University Press, 1946): 196-264.

6. Frances Fox Piven and Richard A. Cloward, Poor People's Movements (New York: Vintage Books, 1979).

7. Saul Alinsky, Reveille For Radicals (New York: Vintage Books, 1946).

8. Willis D. Hawley, "Horses before Carts: Developing Adaptive Schools and the Limits of Innovation," in Samuel Gove and Frederick Wirt, eds., Political Science and School Politics (Lexington, MA: Lexington Books, 1976).

   The broadest discussion of citizen groups formed to address public policy issues is, Advisory Commission on Integovernmental Relations, Citizen Participation in the American Federal System (Washington, D.C.: U.S. Government Printing Office, 1980).

9. Lila N. Carol, "Viewpoints and Guidelines on Court Appointed Citizens Monitoring Commissions in School Desegregation," Symposium sponsored by Community Relations Service, U.S. Department of Justice, and College of Education, Ohio State University, Columbus, Ohio, May-June, 1977. Lila N. Carol, Court Mandated Citizen Participation in School Desegregation Monitoring Commissions (Cleveland: Citizens Council for Ohio Schools, 1977).

   To avoid repetition, we have not reiterated the recommendations of the CRS symposium as reported by Lila Carol. These recommendations generally deal with more "nuts and bolts" questions than ours do and they do not distinguish among types of groups. We generally concur with Carol's recommendations, although we note that some are inappropriate for monitoring groups with certain mandates. We have included Carol's recommendations as Appendix II.

10. For brief discussions of citizen monitoring groups in race desegregation see: Richard H. Patton and James H. Laue, The Role of Community and School Groups in School Desegregation; Strategies for Crisis and Change (St. Louis, MO: Center for Metropolitan Studies, University of Missouri, 1979): 145-151; Ozell Sutton, "Report and Recommendations to Judge Newell

Edenfield regarding Citizens Monitoring Commissions," Menorandum to the Honorable Newell Edenfield, U.S. District Judge, Atlanta, Georgia, July 8, 1977; Martin A. Walsh, "Desegregation Case Workshop - Problems of Working with Citizen Monitoring and Advisory Councils," Memorandum to Ms. Pat Mortenson, Chairperson, Desegregation Workshop Task Force, Community Relations Service, Department of Justice, December 2, 1975; and . Citizens' Council for Ohio Schools, "Dayton Monitoring Commission Report," Desegregation Update, Cleveland, Ohio, 10 (September, 1977): 2-3. On monitoring civil rights for the handicapped, see Rita A. Vanelo, Participating Citizens (Washington, D.C.: The American Coalition of Citizens with Disabilities, Inc.: 1980): 15-19; Task Force on Education for the Handicapped, Assessing Special Education, a Guide for Parents and Advocates (South Bend, Indiana, 1980, forthcoming); and National Association for Retarded Citizens, Monitoring the Right to Education (Arlington, Texas: NARC Research and Demonstration Institute, 1976). For suggestions on monitoring sex equity, see League of Women Voters of Minnesota, "Organizing a Community look at Girls' Athletics" (St. Paul, MN: n.d., c. 1978); and Essex N.O.W. Education Task Force, Susan Cartun, Coordinator,"Action Kit to End Discrimination in High School Sports " (Livingston, NJ: 1979).

11. For linguistic convenience, we use the term "handicapped" to refer to students with physical handicaps, learning disabilities, mental retardation, and emotional disturbances. Some monitoring groups focus on only one or several of these forms of handicap.

12. For example, National Association for the Advancement of Colored People, American Civil Liberties Union, National Organizations of Women, Women's Equity Action League, American Council For Learning Disabilities, and Children's Defense Fund.

13. Or with those elements of more generally activist groups that focus on monitoring. For example N.O.W. is active in filing complaints and pressuring school systems to implement Title IX regulations, but a local chapter of N.O.W. in Milwaukee, Wisconsin has negotiated with HEW and the school system to monitor implementation. We do not address general N.O.W. activities; we did conduct a site visit to examine the monitoring activities of the Milwaukee N.O.W.

14. For an example of a report addressed to state officials to aid them in monitoring and achieving race desegregation, see Education Commission of the States, "State Planning to Achieve Successful Desegregation " (Denver, CO: Education Commission of the States, 1978). A similar report addressed to school personnel is: U.S. Department of Health, Education, and Welfare, Your Responsibilities to Disabled Persons as a School or College Administration (Washington, D.C.: Government Printing Office, 1978). An example of a monitoring duty being added to a state department of education's other tasks occurred in Mississippi, in Mattie T. v. Holladay C.A. No. DC 75-31-S (N.D. Miss.) 1979).

15. Examples of materials published or sponsored by state departments of education on handicapped rights include: Wyoming Association for Retarded Citizens, "A Personal Directory on the Educational Rights for (student's name)" (Cheyenne, Wyoming, n.d., c. 1979); Wyoming Association for Retarded Citizens, A Guide to Resources for Wyoming's Exceptional Children and Youths (Cheyenne, Wyoming, 1979); and Indiana Department of Public

Instruction, Harold H. Negley, Superintendent, A Parent Citizen Handbook (Indianapolis, IN:, Division of Special Education, Indiana Department of Public Instruction, 1980). Materials sponsored or published by state departments of education on sex equity include: Patricia Wolleat and Joan Daniels Pedro, An Annotated List of Resources for Promoting the Development of Girls and Women, 1977 Edition (Madison, WI: Office of Equal Educational Opportunity, Wisconsin Department of Public Instruction, 1977). For information on state publications about Title IX, see Resource Center on Sex Roles in Education, National Foundation for the Improvement of Education, Title IX: Selected Resources (Washington, D.C. Government Printing Office, 1977).

16. The Urban Institute has published a series of studies which address the monitoring of other issues. These include: Annie Millar, Harry Hatry, and Margo Koss, Monitoring the Outcomes of Social Services, 2 vols. (Washington, D.C.: Urban Institute, 1977); Alfred Schainblatt, Monitoring the Outcomes of State Chronic Disease Control Programs (Washington, D.C.: Urban Institute, 1977); Louis Blair, et.al. Monitoring the Impacts of Prison and Parole Services (Washington, D.C.: Urban Institute, 1977); Alfred Schainblatt, Monitoring the Outcomes of State Mental Health Treatment Programs (Washington, D.C.: Urban Institute, 1977); and Richard Winnie, Harry Hatry, and Virginia Wright, Jobs and Earnings for State Citizens (Washington, D.C.: Urban Institute, 1977).

17. For an example of a study of state laws on implementing civil rights for the handicapped, see Richard A. Weatherley, Reforming Special Education (Cambridge: MIT Press, 1979). For a discussion of monitoring a state law, see Mohican Children's Center, Handbook for Parents (Children with Special Needs and New York State Education Law) (Springfield Center, NY: Mohican Children's Center).

    For a description of Title IX requirements, see Resource Center on Sex Roles in Education, National Foundation for the Improvement of Education, Title IX of the Education Amendments of 1972--a Summary of the Implementing Regulation (Washington, D.C. Government Printing Office, 1977).

    On Section 504, see Children's Defense Fund, "94-152 and 504: Numbers that Add Up to Educational Rights for Handicapped Children " (Washington, D.C.: Children's Defense Fund).

18. Judge William E. Doyle, "Can Social Science Data be Judicial Decision-making?" in Education, Social Science, and the Judicial Process ed. by Ronald Anson and Ray Rist (Washington, D.C.: National Institute of Education, 1976): 11-17.

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38. John Egerton, Promise of Progress: Memphis School Desegregation, 1972-1973 (Atlanta, GA: Southern Regional Council, 1973): 9-10.

39. Abram Chayes, "The Role of the Judge in Public Law," Harvard Law Review 89 (1976): 1281-1316.

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41. All of the quotations in this paragraph are from Citywide Coordinating Council, Dr. Robert Wood, Chairman. Quality Education: Changing Definitions and Heightened Expectations, Report to the Honorable W. Arthur Garrity, U.S. District Court, Western District of Massachusetts, (March 1977): 5-11.

42. For examples of interest group activities in public schools, see New Detroit, Inc., Fred Matthael, Chairman, "A Decade of Progress, 1967-1977 " (Detroit, MI: 1977): 11-13; Tri-Lateral Council for Quality Education, Inc. Robert J. Lamphere, Chairman "Statement of Direction" (Boston, MA: 1980); Tri-Lateral Council, "J.O.B.'S.: Job Opportunities/a Boston Survey " (Boston, MA. 1979): and News from Schools for the City (Portland, Oregon.)

43. Justice Byron White, quoted in Kirp, "School Desegregation," p. 118.

44. For a discussion of compensatory equality, see Rae et al., Equalities.

45. This report is purely descriptive; it makes no attempt to analyze the success of or evaluate the characteristics of the bodies it describes. It is, however, the most complete description of race desegregation monitoring and advisory panels in existence. The school districts described are: Albany, Georgia; Atlanta; Boston, Buffalo, Charlotte-Mecklenberg, NC: Cleveland; Columbus; Dade County (Miami); Dallas; Dayton; Denver; Detroit; Ferguson-Florissant, Missouri; Little Rock; Los Angeles; Memphis; Milwaukee; Mobile Co., Alabama; Montgomery Co., Alabama; Nashville; Ogden, Utah; Omaha; Pasadena; Portland: St. Louis; San Diego; Seattle; Springfield, Illinois; Tucson; and New Castle County (Wilmington), Delaware. This report is available for the cost of reporduction from Jennifer L. Hochschild, Institute of Policy Sciences, 4875 Duke Station, Duke University, Durham, NC 27706.

46. This chart is appended to Hochschild and Hadrick, "A Study of Citizen Advisory and Monitoring Panels Concerned with Civil Rights Compliance in Schools: Research Procedures and Preliminary Site Visits " (Durham, NC: Institute of Policy Sciences, Duke University, March 1980).

47. They were: Atlanta, Cleveland, Ferguson-Florissant Reorganized School District (Missouri), Nashville, and St. Louis.

48. Besides those described below, we visited Dayton, Detroit, Milwaukee, and Seattle.

49. Besides those described below, we visited Milwaukee, Glen Rock, NJ; the San Francisco-Berkeley area, Louisville, and the national offices of NEA, PEER, Sprint, National Committee for Citizens in Education, and Lawyer's Committee for Civil Rights under Law.

50. Besides those described below, we visited Trenton, NJ; South Bend, Indiana; Terra Haute, Indiana, Louisville, the Mississippi office of Children's Defense Fund, and national offices of the National Committee for Citizens in Education and American Coalition of Citizens with Disabilities.

51. Frank Kunsted, "Focus on the Classroom," Southern Exposure, May 1979.

52. "A Surprise in Dallas," The New York Times, July 8, 1979.

53. William W. Beck and Glenn M. Linden, "Dallas School Desegregation," Paper presented at 59th Annual Meeting of the National Council for the Social Studies, November 23, 1979.

54. See Hochschild and Hadrick, "Supplementary Literature Review," pp. 23-26 for information about the Educational Task Force of the Dallas Alliance.

55. "Guidelines for the Tri-Ethnic Committee" (Dallas, Texas: n.d.), p. 1.

56. Tasby v. Estes 342 F. Supp. 945 N.D. Tex.,(1971).

57. "Guidelines"

58. "Guidelines," p.1

59. "Guidelines," p.2

60. "Guidelines," p. 3.

61. Tasby v. Estes, 1971

62. Tasby v. Estes,4.2 F. Supp. 1192 (ND., Tex., 1976). See also Tasby v. Estes, Judgment, August 2, 1974; Final Order, April 7, 1976; Order, July 9, 1979.

63. Geoffrey P. Alpert, H. Ron White, and Paul Feisel, "Dallas, Texas: The Intervention of Business Leaders" in Community Politics and Educational Change, ed. by Charles V. Willie and Susan L. Greenblatt (New York: Longman, 1980.)
For other information on the Dallas desegregation case, see: William W. Beck and Glenn M. Linden, "Anglo and Minority Perceptions of Success in Dallas School Desegregation," Phi Delta Kappa, January 1979: 378-382; William W. Beck, Glenn M. Linden, and Michael E. Siegel, "An Assessment of Local Community Problems in School Desegregation: The Boston and Dallas Case Studies," Paper presented at 57th Meeting of the National Council for the Social Studies, Cincinnati, Ohio, November 25, 1977; Marion G. Sobel and William W. Beck, "Perceptions of Black Parents in an Undesegregated Subdistrict of an Integrated School System," Urban Education 12 (January 1978): 411-422; Timothy Gage, "Dallas," in David Kirp, et al, Judicial Management of School Desegregation Cases, NIE-G-76-0098 Final Report (1979); Lyke Thompson and Mark S. Resentrauls, "Discipline and Punishment in the Dallas Independent School District: a Four Year Analysis " (Arlington, TX: Institute of Urban Studies, The University of Texas at Arlington, n.d., c. 1979). On monitoring and the schools, see Dallas Independent School District, "April 15, 1980 Report to the Court" to William M. Taylor Jr., U.S. District Court for the Northern District of Texas, Dallas Division; Donald E. Hood, "Audit Report of the U.S. Federal District Court-Ordered Desegregation of the Dallas Independent School District, 1977-78 " (Princeton, NJ: Educational Testing Service, June 15, 1978); Donald E. Hood, "Audit Report of the U.S. Federal District Court-Ordered Desegregation of the Dallas Independent School District, 1978-79" (Princeton, NJ: Educational Testing Service, June 15, 1979); "Report of the Tri-Ethnic Committee," to William M. Taylor Jr., Judge U.S. District Court, for the Northern District of Texas, Dallas Division: Numbers 1-21; November 12, 1971-August 31, 1979.

64. Dolores De La Torre Bartning and others, Desegregation of the Nation's Public Schools: A Status Report (Washington, D.C.: Commission on Civil Rights, February 1979): 41.

65. William Trombley, "Integration In Denver: Can L.A. Profit?" Los Angeles Times November 27, 1977: 1,3.

66. Bartning, Desegregation: 40.

67. Jessica Pearson and Jeffrey Pearson, "Keyes v. School District No. 1" in Howand I. Kalodner and James J. Fishman, eds. The Limits of Justice (Cambridge, MA: Ballinger, 1977): 75.

68. Pearson and Pearson, ibid.: 85; Keyes v. School District No. One, Denver, Colorado et.al. 380 F. Supp 673 Denver, Colorado, (1974).

69. Keyes v. School District No. One, Memorandum and Order Concerning Community Education Council, Octover 14, 1977:4.

70. See also Pearson and Pearson, p. 94.

71. ibid., p. 91.

72. For other material on the desegregation case and the CCC, see League of Women Voters of Denver, "Composite View of Denver's School Desegregation" (Denver, Colorado: April 1974, Revised September 1976); Elliot Marseille, "Denver" in David Kirp, et.al. Judicial Management of School Desegregation Cases, NIE-G-76-0098 Final Report (1979); "Citizen Group, Monitors Keep Eye On the Schools" Los Angeles Times November 27, 1977: 3 (Pt.1); Hayden Gregory, Chief Counsel, Community Relations Service, Department of Justice, Report to the Honorable W. Arthur Garrity, Jr., Judge, U.S. District Court, District of Massachusetts (December 11, 1974); Community Education Council, "A Guide for Denver Public School Monitors," (Denver, Colorado: August 1, 1974); Community Education Council, Reports to The Honorable William E. Doyle, Judge, U.S. Court of Appeals, 10th Circuit, Denver, Colorado: Miscellaneous reports, July 12, 1974 to March 16, 1976; and Community Education Council, Reports to The Honorable Richard P. Matsch, U.S. District Court, District of Colorado: Miscellaneous reports, June 23, 1976-July 24, 1979.

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88. "U.S. Judge Approves Buffalo Schools' Plan to Aid Desegregation," The New York Times, August 10, 1980: 43.

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116. Morgan v. Kerrigan, 401 F. Supp. 216 (D. Mass. 5 June 1975).

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129. For other material on race desegregation in Boston, see Boston Globe, "A Program for Racial Peace," series in April, 1980; Alan Dennis Burke, Fire Watch (Boston: Atlantic-Little, Brown, 1979); Charles W. Case, "History of the Desegregation Plan in Boston," in Daniel U. Levine and Robert J. Havighurst (ed.), The Future of Big-City Schools: Desegregation Policies and Magnet Alternatives (Berkeley: McCutchan Publishing Company, 1977); Robert A. Dentler, "Educational Implications of Desegregation in Boston," in Daniel U. Levine and Robert Havighurst (ed.) The Future of Big-City Schools: Desegregation Policies and Magnet Alternatives (Berkeley: McCutchan Publishing Company, 1977); Department of Management Information Services, "An Assessment of Needs of the Boston Public Schools, 1979-1980 School Year" (Boston Public Schools, October 1979); Michael Siegel, "Boston School Desegregation 1978,"

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130. Reed v. Rhodes, 422 D. Supp 708, 712 (N.D. Ohio 1976).

131. Cited in Citizens Council for Ohio Schools, "The Cleveland School Desegregation Decision," Desegregation Update, September 1976:2.

132. Reed v. Rhodes, "Memorandum Opinion and Order" July 25, 1980. See also Dan Morgan, "School Woes in Cleveland Are Every City's Laid Bare," Washington Post July 27, 1980: 1, 2; Morgan, "Desegregation in Cleveland," Washington Post, July 28, 1980; and Reginald Stuart, "For Cleveland Desegregation Chief, Mixed Reception," New York Times, September 8, 1980.

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136a. Bartning, Desegregation, p. 37; Iverson, "Cleveland's Schools."

137. Reed v. Rhodes, United States District Court, Northern District of Ohio, Eastern Division "Memorandum Opinion and Order" (May 4, 1978). All quotations in Table 10 are from that Order.

138. Leonard Stevens, "Reports from Director, Office on School Monitoring and Community Relations to Chief Judge Frank J. Battisti" (Cleveland, Ohio, September 21, 1978 ff.)

139. For examples, see Office on School Monitoring and Community Relations Pamphlets, incl. "All About School Monitoring," "The OSMCR Advisory Commission," "The Role of OSMCR School Monitors " (Cleveland, Ohio: n.d); various fact sheets, July 1978 ff; Leonard Stevens, "Notes for Speech to Sigma Delta Chi at Noon" (Cleveland, Ohio: City Club, September 19, 1979); "OSMCR Activities: Past, Current, and Projected " (Cleveland, Ohio, n.d.); Leonard Stevens, "Text of Remarks to 'Leadership Cleveland'" (Cleveland, Ohio: Aviation High School February 21, 1980); "OSMCR Spending by Cost

Center," (1980-1981); "OSMCR Task Responsibilities, by Division," (November 5, 1980); and OSMCR Activities 1979-1980 by Mandated Function," (n.d.)

140. For the court's perspective on the history of desegregation litigation in Cleveland, see Special Master's Report, January 31, 1980 and Reed v. Rhodes, "Court Order," July 25, 1980 .

141. OSMCR, "All about School Monitoring."

142. For further information on desegregation in Cleveland, see Reed v. Rhodes, Order, July 3, 1979; Special Master's Recommendations, July 13, 1979; Order, July 30, 1979; Report Concerning Criminal and Civil Contempt, November 14, 1979; Report Regarding Remedial Order Implementation, January 31, 1980; Mary M. Ward, "A Study of Parents of Cleveland Public School Children: How do they get information about their schools?" (Cleveland, Ohio: Greater Cleveland Project, November 1979); "Greater Cleveland Project 1976-1978: Annual Report" (Cleveland, Ohio: June 1979); and Task Force on Desegregation, "An Equal Chance to Learn" (Cleveland, Ohio: Bar Association of Greater Cleveland, n.d.). See also Cleveland Public Schools, "Status Report" various dates; "Explanation of the Court Order," March, 1980; and "A Brief History of the Cleveland Case," March, 1980.
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143. Crawford v. Board of Education of the City of Los Angeles, 17 Cal. 3d 280 (1976).

144. See Robert A. Smith, "Report of Internal Evaluation of Integrated Educational Excellence Through Choice, 1978-79 School Year" (Los Angeles, CA: Los Angeles Unified School District, August 9, 1979).

145. It is substantially the same as the Intended Order, which is all we had access to at the time this report was written. Crawford v. Board of Education, Intended Order, May 19, 1980.

146. For criticisms of the Intended Order from the plaintiffs' side, see Roslyn Cooperman and Pat Benson, "Response to Judge Egly's May 19, 1980, Intended Court Order, Comments and Questions of Community Concern" (Los Angeles, CA: Community Relations Conference of Southern California, June 10, 1980); John Caughey et al. "Objections to Intended Order" (Los Angeles, CA: June 3, 1980); and Caughey et al. "Further Objections to the Intended Order" (Los Angeles, CA: June 18, 1980).

147. Gary Orfield, "Desegregation Principles for Los Angeles: Report to the Superior Court of the State of California for the County of Los Angeles" (November 14, 1978).

148. Muriel Paskin Carrison, "Los Angeles School Integration," Paper presented at the Annual Meeting of the National Council for the Social Studies, November 23, 1979.

149. The media, however, have focused exclusively on white flight. For example, see Bill Boyarsky, "'Quietly Desperate' Parents Plan Private Schools," Los Angeles Times, January 21, 1978: II, 1.

150. Crawford v. Board of Education, Charge to the Monitoring Committee, May 24, 1978.

151. Monitoring Committee, "Reports to the Superior Court of the State of California for the County of Los Angeles." Fifteen reports on the subjects of: The Monitoring Committee's Organization (August 1, 1978); Transportation (August 8, 1978); "Research Plan and Trends in the Racial and Ethnic Composition of LAUSD Schools During 1966-1977" (November 30, 1978); "Reduced Student-Teacher Ratio, Double Sessions, and Staffing, Grades 4-6 and Impact on Grades K-3" (December 12, 1978); "Transportation" (December 19, 1978); "Magnet Programs" (March 13, 1979) "Proposed Expanded and New Magnet Programs, 1979-81" (April 17, 1979); "The Relationship between Racial Balance and District Policies Regarding Attendance Zones and New School Sites" (April 17, 1979); "Permits with Transportation Program" (May 31, 1979); "Pairs/Clusters and Midsites" (August 27, 1979); "Desegregation-Related Staff Development in LAUSD" (October 30, 1979); "LAUSD Desegregation Performance: Racially Isolated Schools, 1977-78" (December 6, 1979); "Report on Enrollment Constraints at the West Valley C.E.S. Magnet as of September 5, 1979" (Feb. 7, 1980); "Permits with Transportation" (February 28, 1980); and "LAUSD Permit Policy" (May 1, 1980).

152. For other information on the desegregation case in Los Angeles, see Julian J. Keiser, "Los Angeles School Integration: a Guide for Speakers and Community Leaders" (Los Angeles, CA: Community Relations Conference of Southern California, n.d., c. 1976); Monroe Price, Referee, "Reports to the Superior Court of the State of California for the County of Los Angeles" 24 Reports, from July 18, 1977 to January 3, 1980; and Los Angeles Monitoring Committee, "Minutes" May 23, 1978 ff.
See also the Experts Reports, of November-December 1978 to Judge Paul Egly in response to the Minute Order of February 7, 1978. The authors and subjects of these reports are: Beatriz Arias, "The Desegregation Plan's Impact on Services to Limited and Non-English Speaking Students and Hispanic Students;" Robert Crain, "On the Crawford Remedy;" Reynolds Farley, "On the Demographics of Los Angeles" and "Changes in School Integration and White Enrollment, Fall, 1978;" Bernard Gifford, "Towards a Workable Remedy: Maximizing Integrated Educational Settings and Equalizing Resource Allocation Policies in the LAUSD;" Elwood B. Hain, Jr, on metropolitan desegregation, the Monitoring Committee, omission of the ninth grade, and RIMS; Gary Orfield, "Desegregation Principles for Los Angeles," Thomas F. Pettigrew, "On Desegregation Goals, the Definition of Desegregation, and a Metropolitan Approach;" and Francine Rabinowitz, "The Evaluation of Feasibility" and "The Role of the State of California in LAUSD Financing."

153. Southeastern Public Education Program, Almost as Fairly (Jackson, Mississippi, 1978).

154. "Southeastern Public Education Program" (brochure) (Jackson, MS: May 1978).

155. 'Created Equal" (newsletter) (Jackson, MS: Southeastern Public Education Program, November 1977 ff.)

156. Of the Elementary and Secondary Education Act, 1965.

157. by Elizabeth Giese (Milford, MI: Michigan PEER, December 1980). See also "Jackson/PEER Contacts and Chronological Report of Activities, Summary -- August 15, 1980;" Jeri Kgrnegay, "Jackson's Title IX Program Rated State's Best," Jackson Citizen Patriot, May 18, 1980.

158. League of Women Voters of Salt Lake, "From Sex Bias to Sex Equity: Where Are We in Our Schools?" (Salt Lake City, Utah: March, 1978)

159. League of Women Voters of Salt Lake, "Equality in Athletics: The Effects of Title IX in Salt Lake City " (Salt Lake, Utah: March, 1979.)
See also League of Women Voters of Ogden/Weber County, Beverly Lalley, Chairperson,"Equal Educational Opportunities: Implications of Title IX for Ogden and Weber County Schools" (Ogden, Utah: September 1976.)

160. The question of whether Title IX self-evaluations are public documents or in-house resources for administrative purposes still lingers. PEER lawyers believe that the self-evaluations, inasmuch as they are not explicitly designated in the regulations as being inaccessible to citizens, should be considered public documents. Conversely, as Granite District Superintendant Dr. John Reed Call wrote to the LWVSL in a December 2, 1977 letter:
> We are fearful that allowing private groups to view and place their own interpretation upon the self-evaluation has the potential for destroying the communication (between the schools and the Title IX compliance officer) necessary to allow the program to function.

(quoted in League of Women Voters, From Sex Bias to Sex Equity, p.3.) To date, no administrative or court rulings specifically dealing with public access to Title IX self-evaluations have been promulgated.

161. Shirley McCune and Martha Mathews, Implementing Title IX and Attaining Sex Equity in Education (Washington, D.C.: Council of Chief State School Officers, 1977.)

162. Educating handicapped children unquestionably costs more than educating non-handicapped students. But the expense of providing smaller teacher/pupil ratios, teacher aides, therapists, psychologists, special transportation and other services is no excusefor nonprovision of services. Support for this is found in such recent court cases as Mills vs. Board of Education which found that unsufficient funds can no longer be used as a reason for excluding any child from the public schools. See The Parent/Professional Partnership: The Right to Education (National Association for Retarded Citizens Research and Demonstration Institute, 1977), p. 15 .

163. See Shepard Weinswig, "The History of the Fort Wayne Community Schools' Advisory Council on Special Education" (Fort Wayne, Indiana: March 15, 1980).

164. Shepard Weinswig, monthly newsletter to parent-members of Advisory Council for Handicapped Children, October 30, 1980. See also Fort Wayne Community Schools, Department of Special Education, Robert E. Marshall, Director, "The Spectrum: Focus on Special Education Activities and Important Events" (Fort Wayne, Indiand, March 1980 on).

165. See Richard H. Patton and James H. Laue, The Role of Community and School Groups in School Desegregation: Strategies for Crisis and Change (St. Louis, Missouri: Center for Metropolitan Studies, University of Missouri - St. Louis, October 1979): 148-151.

166. For a discussion of this issue in particular, and "structural litigation" in general, see Owen Fiss, "The Supreme Court 1978 Term; Forward: the Forms of Justice," Harvard Law Review 93 (November 1979): 1-58.

APPENDIX I

Site Visit Interview Guide

for Race Desegregation

Site Visit Interview Guide for Race Desegregation

I. Introduction

A. Interviewer

1. Name, university affiliation

2. Sponsors of grant

B. Grant

1. Purpose of study - make recommendations to OCR about when and how to establish citizen groups to monitor compliance with civil rights laws regarding discrimination by race, sex, or handicap.

2. Purpose of this interview: a) to get information about monitoring in this community; b) to get R's assessment of success and failure of desegregation, and of role of monitoring panel in that success or failure; c) to compare this community to others, if possible; d) to get R's recommendations for changes in the civil rights and monitoring processes in that community.

C. Consent form and discussion of confidentiality

II. R's Background (briefly)

A. Occupation, role in desegregation process

B. Length of involvement, how and why became involved

C. Relationship to monitoring body(s)

III. R's Assessment of Desegregation Process

A. Goals (GET SPECIFICS)

1. What do you see as the main goals of the desegregation plan now in force in _____(city)? Do any take priority over others? Do any conflict with others?

2. Do the courts, HEW, school administration, and black and white communities have different goals for desegregation?

3. How has the monitoring body responded to these differences?

B. Strategies (GET SPECIFICS)

1. How is _____(city) trying to achieve these goals? (go through each). Do you agree with this strategy?

2. Again, do different people in town have different views on how to achieve the desegregation goals?

C. Success and failure (GET SPECIFICS)

1. How well do you think _____(city) has implemented its desegregation plan? (make distinctions among parts, if necessary)

2. What has been the greatest success? The greatest failure?

3. What should the court, HEW, the school board, the black and white communities do to enhance desegregation success?

IV. Monitoring Bodies (GET SPECIFICS)

A. Goals

1. What do you see as the main goal(s) of _____(monitoring body)?

2. Are any of these goals more important than any others? Do any of them conflict with any others?

3. Do the courts, HEW, school administration, and black and white communities have different goals for the _____(monitoring body)?

4. Why do you think the court (school, community...) set up this body?

5. Are the mission and tasks of the _____clear to it? to the schools? the community?

B. Strategies (FOR EACH QUESTION, GET SPECIFIC EXAMPLES)

1. How is the _____trying to achieve its goals? (go through each) Do you agree with this strategy?

2. Are there different views on correct strategies?

3. (For people on the monitoring body): Can you describe how the _____goes about its daily work? How do you decide what issues to focus on? What do you do about those issues...?

4. How has the monitoring process changed over the life of the _____?

5. Does the _____(monitoring body) work closely with teachers? Other school officials? Members of the black and white communities? The court? HEW? <u>FOR EACH</u>: to what effect? If not, why not?

6. How does the ____(monitoring body) relate to the media? To opponents of desegregation in the schools, in the community?

C. Resources

1. What kind of legal power does the _____ have? How much contact does it have with the courts?

2. What kind of leverage does the ____ have schools who resist its suggestions? (If necessary:) Can it, for example, threaten to withhold federal funds? Local political support?

3. What technical and professional help does the _____ have to draw upon? What political resources? Financial?

4. How were the members of the _____ selected? How much orientation and training did they get? From whom? Was it enough? How much prestige do they have in the community?

5. How much communication is there between the ____ and ____ (its sponsor)? Is it regular? Sufficient? Two-way? Single or multiple channels of communication?

6. Are there any other resources that the _____ can draw on to do its work? Are there any resources that it needs that it does not have? Why not?

D. Success (GET SPECIFICS)

1. Does the _____ seem to be achieving its goals? Why or why not?

2. What is its biggest achievement? Its biggest failure? What was the most unpopular thing the ____ did?

3. What barriers within the monitoring body keep it from greater success? What barriers outside it (i.e., in the schools, the community, the court order or HEW remedial plan, etc.) keep the monitoring body from being more effective?

4. What features of the monitoring body are most useful or valuable? What features of the plan are most helpful to it?

E. Changes in the Monitoring Process

1. What changes would you recommend in the monitoring process or in its goals to make it more effective?

2. Would you recommend any other kinds of outside monitoring, say by the Justice Department, Office of Civil Rights, or the NAACP, instead of by the court? (vary according to type of monitoring body).

3. Are there problems in the desegregation process that the monitoring body is not addressing? How could it do a better job with them?

4. Finally, if you were designing an ideal monitoring body for _____ (city), what would it look like? (Consider size, characteristics of members, sponsor, mandate, powers, funding, staffing, information gathering and reporting procedures.)

V. Other Monitoring Processes

A. Other existing monitoring

1. Do you know of any other citizen monitoring groups in _____ (city)? How about in other cities?

2. If so, what is your impression of them? Do you know of anyone I should talk with about them?

3. If R is very knowledgeable, go through questions in IV again.

B. Other potential monitoring

1. As you know, people concerned about civil rights also want to end discrimination by sex and physical or mental handicap. Do you know of any plan or program focusing on sex equity or discrimination against the handicapped in _____(city)?

2. If so, could you describe this program? (Include goals, strategies, successes and failures, involved groups, and so on--but briefly.)

3. If so, has there been any monitoring of this program? If yes, could you please describe it? (Include same topics).

4. Do you think problems with sex equity could successfully be monitored, in a manner similar to the monitoring of desegregation plans? What facets are amenable to monitoring? Why or why not?

5. Similarly, do you think problems concerning discrimination against the handicapped could successfully be monitored? Why or why not?

VI. Conclusions

A. Is there anyone else that you would recommend for me to talk with about these issues?

B. Have you, or do you know of anyone else who has, written any materials on monitoring?

C. Anything else you want to mention?

APPENDIX II

Site Visit Interview Guide

for Sex Equity

Site Visit Interview Guide for Sex Equity

I. Introduction

A. Interviewer

1. Name, university affiliation

2. Sponsors of grant

B. Grant

1. Purpose of study -- make recommendations to OCR about when and how to establish citizen groups to monitor compliance with civil rights laws regarding discrimination by race, sex, or handicap.

2. Purpose of this interview: a) to get information about monitoring in this community; b) to get R's assessment of success and failure of Title IX implementation, and of role of monitoring panel in that success or failure; c) to compare this community to others; and d) to get R's recommendations for changes in the civil rights and monitoring processes in that community.

C. Consent form and discussion of confidentiality

II. R's Background (briefly)

A. Occupation, role in sex equity process

B. Length of involvement, how and why became involved

C. Relationship to monitoring body

III. R's Assessment of Sex Equity Compliance Process

A. Goals (GET SPECIFICS)

1. What do you see as the main goals of the Title IX compliance process as it is taking place in _____(city)? (OR What should be the main goals of a Title IX compliance process when it begins in _____ (city)? Do any of these goals take priority over others? Do any conflict with others?

2. Do the school administration, OCR, women's groups, the state, and parents have different goals for or definitions of sex equity?

3. How has the monitoring body responded to these differences in goals, or conflicts among goals?

B. Strategies (GET SPECIFICS)

1. How is _____ (city) trying to achieve these goals? (Go through each.) Do you agree with this strategy?

2. Again, do different people in town have different views on how to achieve sex equity in the schools?

C. Success and failure (GET SPECIFICS)

1. How well do you think _____ (city) has achieved sex equity?(OR complied with Title IX requirements?) (Make distinctions among components of complicance, if necessary.)

2. What has been the greatest success? Why?

3. What has been the greatest failure? Why?

4. What should the school personnel, OCR, women's groups, the state, and parents do to improve compliance with sex equity requirements? (Go through each separately).

IV. Monitoring Bodies

A. Goals (GET SPECIFICS)

1. What do you see as the main goal(s) of_____(monitoring body)?

2. Are any of these goals more important than any others? Do any conflict with any others?

3. Do OCR, the school administration, women's groups, and students and parents have different goals for _____ (monitoring body)?

4. Who set up the monitoring body? Why -- what goals did _____ (sponsor) have for it?

5. Are the mission and responsibilities of the _____(monitoring body) clear to it? to the schools? to the community?

B. Strategies (FOR EACH QUESTION, GET SPECIFIC EXAMPLES)

1. How is the _____ (monitoring body) trying to achieve its goal of _____? (Go through each goal.) Do you agree with this strategy?

2. Are there different views on the correct strategy?

3. (For people on the monitoring body): Can you describe how the _____ (monitoring body) goes about its daily work? How do you decide what issues to focus on? What do you do about those issues? ...

4. How has the monitoring process changed over the life of the _____ (monitoring body)?

5. Does the _____ (monitoring body) work closely with teachers? other

school personnel? parents and other community members? OCR? FOR EACH: To what effect? Why do they interact in this fashion?

6. How does the _____ (monitoring body) relate to the media? To those who oppose or are indifferent to sex equity in the schools and community?

C. Resources

1. Does the _____ (monitoring body) have any statutory or legal power? How much contact does it have with OCR? the state board of education?

2. What kind of leverage does the _____ (monitoring body) have over schools who resist its suggestions? Can it, for example, speak for OCR or a state agency with regard to withholding of funds? Can it threaten to withhold local political support, or any other resource the schools need?

3. What technical and professional help does the _____ (monitoring body) have to draw upon? What political or social support? Financial support?

4. How were the members of the _____ (monitoring body) selected? How much training or orientation have they received? From whom? Was it enough? How much prestige or status does the ____ (monitoring body) have in the community?

5. (If the group is not self-sponsored): How much communication is there between the group and its sponsor? Is it regular? Sufficient? Two-way? Single or multiple channels of communication?

6. Does the _____ (monitoring body) have enough staff? Too much? How are staff selected? Have there been any difficulties between the staff and public members? (Get specific examples).

7. Are there any other resources the _____ (monitoring body) can draw on? Any resources it needs that it lacks? Why doesn't it have that resource?

D. Success and Failure (GET SPECIFICS)

1. Does the _____ (monitoring body) seem to be achieving its goals? Why?

2. What is its biggest achievement? (Get full description)

3. What is its biggest failure? (Get full description).

4. What is the most unpopular thing the _____ (monitoring body) did? Was it worth it?

5. What barriers within the _____ (monitoring body) keep it from greater success? What barriers outside it (in OCR, the schools, women's groups, community etc.) keep it from being more effective?

6. What features of the _____ (monitoring body) are most useful to it? What features are least useful?

7. What features of the compliance plan are most helpful to the _____ (monitoring body)?

E. Changes in the monitoring process

1. What changes in the monitoring body, its goals, or its actions would you recommend to make it more effective?

2. Would you recommend any other kinds of monitoring, say by OCR or a different women's group or the schools themselves to improve the monitoring function?

3. What aspects of sex equity is the ____ (monitoring body) not addressing? How could it do a better job with them?

4. If you were designing an ideal monitoring group for _____ (city), what would it look like? (Consider size, characteristics of members, sponsor, mandate, powers, funding, staffing, information gathering and other strategies, report procedures.)

V. Other Monitoring Processes

A. Other existing monitoring bodies

1. Do you know of any other citizen monitoring groups in _____ (city)? How about in other school districts?

2. IF YES: What is your impression of them? (If R is very knowledgeable, go through interview guide briefly) Who else should I talk to about this other group?

B. Other potential monitoring

1. As you know, people concerned about sex equity also want to end discrimination by race or physical or mental handicap. Do you think desegregation plans could successfully be monitored? What features would make them more, and less, easily monitored than a sex equity compliance process? (Same questions for handicap-related monitoring.)

VI. Conclusions

A. In the final analysis, what do you think is the real purpose of monitoring? Is that a good goal to pursue?

B. Other people and material

1. Can you recommend anyone else for me to talk with about monitoring sex equity in _____ (city)?

2. Have you or anyone else written any materials on monitoring or on the experience in _____ (city) with sex equity?

3, Anything else you want to mention?

APPENDIX III

Conclusions and Recommendations in Lila Carol, "Viewpoints and Guidelines on Court Appointed Citizens Monitoring Commissions in School Desegregation"*

THE MONITORING COMMISSION AND THE COURT

- Judges should be very clear about their mandates, and give specific attention to the limits of responsibility assigned to monitoring commissions.
- Some participants felt that a general and somewhat vague charge may be useful in the early stages of a commission's life. At a later stage more specificity will be required. The judge may use the monitoring commission as an outlet for public comment and as a pressure valve.
- The court order itself should be studied carefully by commission members. If the order is vague, the commission can either seek clarification from the court, or interpret the meaning for itself until the court directs otherwise. As indicated above there are occasions when a less specific charge from the court can serve a community best.
- When questions arise on the meaning of the language in the order, a more specific definition should be requested from the court. Upon its formation the entire commission should receive an orientation from the judge. This will give all members an opportunity to ask questions and receive responses.
- The monitoring commission should clear up ambiguities as to its role and mandate prior to beginning its work.
- A regularized communications pattern should be set up with the judge (i.e., who meets regularly with the judge, how often, what kinds of reports the court expects, how frequently). If the members and staff of the monitoring commission are to communicate with the judge through his staff, the procedure should be clarified in the early days.
- Submission on recommendations to the court should not carry the expectation that any or all will be adopted.
- Commissions should, if necessary, remind the judge that his continued support is essential to their effectiveness.

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THE ORGANIZATION AND STRUCTURE OF THE COMMISSION

- The membership of monitoring commissions should include a cross section of the community (students, parents, civic and business leaders, religious groups, labor, teachers, home owners, and plaintiffs). Racial and ethnic characteristics of the community should be represented on the commission, with particular attention to substantial minority membership. The selection of members by the judge is critical. As a participant stated it, "Big names were not big workers." There is a tendency to select prominent persons who are usually over-involved in other matters.
- The court should choose only individuals with exceptional leadership ability to serve as chairpersons. The chairperson not only influences the quality of the commission's work, but may also influence the climate of the community.
- The commission should have responsibility for recommending new members to the judge. In some communities, volunteer monitor/observers who worked hard during the first years were good candidates for commission membership in the second year.
- Members should undergo a training program before embarking on their work. This includes problem identification, conducting needs assessment, consensus building, and recruitment, screening, and training of monitors. They need to know what to look for, what monitoring experiences have been in other districts, what worked and what did not. They need to be aware of how to identify racial isolation in schools, and how to keep from being made captives of the school district.
- Monitoring commissions should establish their own rules, regulations and procedures for monitoring the implementation of the court order.
- The commission should be funded and professionally staffed. Funding may come from federal, state, and local sources, both public and private.
- Commissions should have access to experts in such areas as pupil reassignment, teacher recruitment, orientations, program costs, etc. Such experts may be selected from colleges, business organizations, legal aid staffs, general assistance centers, and urban planning groups. Both the court and the monitoring commission can utilize technical assistance available from the Community Relations Service, U.S. Department of Justice.
- The roles, functions, and responsibilities of monitoring commissions should be specifically identified and defined concurrent with the formation of the commission. The relationships of members to staff, to attorneys, and to other experts should be detailed.
- The monitoring commission should not assume duties of the school board, nor should it build political structures within the commission. Where the court has included a number of components to be monitored, subcommittee task forces can be especially desirable for working at the community level.

- To aid in effective reporting to diverse constituencies, commissions should organize a small number of committees (e.g., a school relations committee for both inter and intra-school; a transportation committee; a safety committee; and a community relations committee).
- Monitoring commissions should provide the court with regular oral and written reports. The contents of these reports should be shared with school officials and with the community. Commissions should have available evaluative criteria. These criteria should relate specifically to the court order and be used to assess the compliance of each school in the system to the court order.
- The monitoring group should be in contact with both plaintiffs and defendents on matters concerning the monitoring of the desegregation plan.
- The monitoring commission should establish criteria for internal and external evaluation of its own effectiveness in carrying out its charge.
- The monitoring commission should remain in existence from the time the desegregation plan is implemented until the court considers its orders to have been carried out and ceases further jurisdiction.
- The monitoring commission should designate one or two spokespersons to report its positions to the court, the school system, the community, and to the media. If every one is free to report for the commission, chaos will inevitably ensue.

THE MONITORING COMMISSION AND THE SCHOOL

- Repeated efforts must be made to explain clearly the mission and tasks of the commission to school officials and all school personnel. By the same token, such explanations should be reflected in the actions of the commission.
- Relationships built on mutual trust and respect should be sought with school officials at all levels.
- Teachers as well as administrators should be involved in working with commissions. Their viewpoints and experiences must be sought, for they are important for effective desegregation. These perceptions must be gathered in a regularized process by commissions, and not received only through a few monitor/observers in school buildings.
- The commission must reach mutual understanding with building principals, permit them to react to reports concerning their buildings; communicate effectively with the school staff, and share information with them. By establishing working relationships with teachers and building administrators, many minor problems can be solved close to the level at which they have occurred. It has been found that frequently such problems can be handled by local administrators (when brought to their attention). The need to report such problems directly to the judge is minimized, thus reducing the number of court directives that will be addressed to the schools.
- The monitoring commission should work closely with the school administration. The superintendent of schools should pass commission recommendations on to the school board. Close communication will ultimately make the recommendations more acceptable to the board, and facilitate cooperation. There will be a need for continuity and commitment for effective desegregation after the commission has been dissolved. Inducing the cooperation of the school system is important in terms of long range solutions.
- The commission must remain scrupulously free of being co-opted in any way. "Positive relationships" should not threaten the separate and independent operation of the commission.
- Commissions should not view school systems as their enemies and perpetual "heavies." Some board member participants pointed out that many boards of education are becoming responsive, and that an adversary relationship helps no one. Participants pointed out that the word "monitoring" alone often puts school people on the defensive. Some suggested such an expression as "information gathering" would be less threatening.
- Student participation on monitoring commissions is essential. Students really know what is going on in schools and can give the kind of feedback to the commission that will make it credible in the local community.

THE MONITORING COMMISSION AND THE COMMUNITY

- Monitoring commissions have to build the broadest possible coalition of support within their communities. Organized labor, for example, particularly in urban areas, can be a major and singularly important supporter of monitoring efforts.
- The majority of members should be from within the city, but representatives of business and the professions should be members regardless of their home addresses. While it is very important to have parents of children in the school heavily represented, others who help shape public opinion and who work with children and their families should be involved, too, such as clergy, health professionals, leaders from civic and social organizations.
- Volunteer monitor/observers should be recruited from the city itself, and they should be recruited for specific roles and specific tasks.
- The commission should determine early what kinds of information the community needs in order to carry out the charge of the court effectively and to keep the community properly informed.
- Efforts to educate the community should involve students and school personnel as well as community members.
- The commission must locate and use expert knowledge in the development of effective community relations. Such expertise exists in every city, and can be brought to bear on the work of the commission.
- Substantial resources are required to conduct a thorough desegregation education campaign for the benefit of the community. The commission must stimulate and generate these resources. A campaign should also include flyers, phone calls, hearings, broadcasters, all possible channels for reaching people.
- The monitoring commission is in a position to listen to the community carefully, assess its needs, report them to the schools, the courts, and in some cases provide for community needs through the commission itself.
- The commission must make clear to the community what matters fall within its scope.
- Commissions cannot view themselves as panaceas for extremely complex social problems. They must be aware of their limitations and avoid unrealistic expectations. In some instances commissions assume too many responsibilities. Monitoring commissions serve as valuable pressure valves for their communities. They can be helpful in alerting judges to problems, but many issues which they uncover will have to be handled by more broadly based community groups, or by more specialized agencies.
- Commissions should seek to work with existing community groups which are city-wide. Such a coalition should be expanded wherever possible, and should not ignore groups with points of view that depart from those of the court.
- Awareness of community concerns is essential in the reporting process. Monitoring commissions should serve as sounding boards in fulfilling their reporting function. They should receive concerns through the widest range of community interests.
- The monitoring commission must be willing "to be unpopular" if necessary to see that the law itself is enforced.
- A monitoring commission must guard against locking itself into a quasi-judicial posture that inhibits it from being a good reflector of community concerns.

THE MONITORING FUNCTION OF THE COMMISSION

- Schools must be well informed about the monitoring process: what will be monitored? who will be monitoring? how often? what are the limitations upon monitor/observers?
- The careful monitoring of student rights and responsibilities should be a priority to ensure that no one class of students is being dealt with unfairly (e.g., expulsions and suspensions).
- The monitoring commission may have to evaluate the school system's record-keeping, identify the school records which are maintained and record and compile for themselves those which are needed but not kept by the school.
- Monitor/observers should never report directly to school officials, although some commissions have found it useful for the observers to leave copies of the reports with the principals. An observer's report should go directly to the commission. Commission representation should then report to the school those activities which might create tense situations in school buildings or otherwise be valuable.
- A procedure for regular reporting of the results of monitoring should be developed at the outset by the commission. Concerns and viewpoints of school officials should be considered when the procedures are in the development stages, and methods for cooperation with school personnel should be established at that time.
- Considerable numbers of potential monitors must be found and screened before arriving at the actual persons who will do the monitoring. Far more people will have to be recruited initially than will finally serve as observers.
- Monitors must be well trained and not enter schools without understanding of their roles, the instruments they are to use, and the manner in which they are to deal with persons in the schools.
- Monitoring should involve reporting observations without value judgments of the observer.
- Observers should not be assigned to schools attended by their own children but should operate without vested interest as much as possible.
- School officials should be invited to participate, or at least to be observers, at training sessions for commission members and monitor/observers. This will help to reduce fears and apprehensions of many school people.

THE ADVISORY FUNCTION OF THE COMMISSION

- The commission should be confident that its data collection and analysis are complete before any advice is given. Nothing can destroy the credibility of a commission faster than premature judgments based on inadequate or inaccurate data. The commission must be prepared to call on its own professional staff or outside experts for analyses. Not only must data be valid and reliable, it must be collated and organized in logical, reasonable, and useful ways.
- Recommendations must be issued in a timely and accurate manner to all relevant parties and constituencies. In addition to the legally responsible parties to the suit, distributions should be made to those who must carry out specific recommendations (such as teachers in the classrooms, the school board and city council.) Community and school resources can and should be utilized in solving the problems involved with desegregation.
- Advice should be offered in a form that is politically viable and palatable, without sacrificing the substance or legitimacy of the advice. A confrontation strategy with board members, administrators, and teachers will undoubtedly put these parties on the defensive and can create no-win positions. The result will be delay and further confrontation.
- A monitoring commission may help to construct a remedy as well as monitor implementation.
- Commissions must respect the confidentiality of certain information. Commission members are entitled to data which may be confidential. The commission must use such information in the same way expected of school officials. Where resistance to releasing data is encountered, officials may be able to provide it more willingly if individuals' names are deleted (as in suspension, expulsion, hostile incidents).

THE CHARACTER AND EFFECTIVENESS OF CITIZEN MONITORING GROUPS IN IMPLEMENTING CIVIL RIGHTS IN PUBLIC SCHOOLS

EXECUTIVE SUMMARY AND RECOMMENDATIONS

SUBMITTED TO

THE NATIONAL INSTITUTE OF EDUCATION

AND

THE OFFICE FOR CIVIL RIGHTS

DEPARTMENT OF EDUCATION

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I. WHY HAVE CITIZEN MONITORING?

> Whereas some people turn to God when a problem looms on the social horizon, and others turn to the state, Americans instinctively form a committee, elect a president and secretary-treasurer, and set about finding a solution.
>
> Robert Paul Wolff, The Poverty of Liberalism

Not only the peculiarities of our cultural heritage lead Americans to form monitoring committees to oversee the implementation of civil rights mandates in schools. The number of these groups is very large and growing, at least partly because they help four goals of public policy-making to be fulfilled. These goals are the furtherance of justice according to the Constitution, changes in the political structure and processes of communities, improvement of education for all children, and fostering of intergroup understanding and appreciation. Monitoring can enhance each goal -- although perhaps not all at the same time, as we shall see below.

First, monitoring is a way to extend the range and depth of executive and judicial policy without increasing the number of civil servants. For the Office for Civil Rights (OCR) directly to oversee three types of civil rights compliance in all school districts would be impossible without vastly increasing its size -- and even then problems of coordination and communication would be overwhelming. For every federal judge directly to oversee civil rights compliance would also be impossible without substantially restructuring the judiciary. But citizen groups who are under the direction of OCR or a judge, and who have close two-way communications with their sponsor

can oversee the achievement of Constitutional mandates and then disband when their task is done.

Second, monitoring is a way of involving more people and groups in the decisions and activities of schools. Schools are public institutions -- supported by taxes, headed by elected boards, accountable ultimately to parents and society in general. Parents should have some say in how their children are educated and what they are taught; business enterprises and civic organizations should help in the education of their future employees and members. Monitoring is a way for more people to participate in education in a way that is structured, focused, mandated — and also conducive to change and expansion.

Third, monitoring is a way of making sure that educational goals are not lost in the drive to comply with laws. No judge can fully understand the exigencies and needs of educators; no single law and set of regulations can be optimal for all school systems. No one wants blind obedience to get in the way of the children's best interests, and yet we must not permit local exceptions to vitiate the force of civil rights mandates. Monitoring groups are a way to connect general laws and specific situations, or to connect legal experts with professional educators. Monitoring groups can help to ensure that laws are enforced, but can also help to ensure that the idiosyncratic needs of a specific school system in educating its students are met.

Finally, monitoring is a way for people to come together, work on common goals, develop new networks of friends, and learn to understand and appreciate their differences as well as their similarities.

One purpose of desegregation is to bring blacks and whites together; one purpose of sex equity is to bring men and women together; the same, of course, holds for the handicapped. Monitoring groups can themselves create ties and set examples; they can also help to ensure that schools truly integrate their students and teach each one the value of all.

Thus monitoring can perform at least four functions. Each functions corresponds to a type of monitoring group and calls for specific recommendations. These groups are discussed in Section III and the appropriate recommendations are in Section VII. But all groups have some features in common, and some common recommendations — which are discussed in Sections II and VI respectively.

II. WHAT IS A CITIZEN MONITORING GROUP?

Monitoring groups range from three to 100 members, from budgets of nothing to hundreds of thousands of dollars a year, from radical activists to careful social scientists, from a focus on race desegregation to sex equity to aid for the handicapped. Their goals and effects also vary, but they all share some characteristics. A citizen monitoring group must have most, if not all, of the following features:

1) Its main focus is the <u>implementation</u> (not the design or enactment) of civil rights laws; in court cases, it focuses on the remedial phase of the proceedings;
2) Its main purpose is to <u>observe and report</u> on civil rights implementation — not to participate directly

in achieving goals;

3) Most members are private citizens, who do not work for the courts, schools, or any level of government, and who do not hold an elected or appointed public office;
4) The monitoring group has at least several members;
5) The group has at least quasi-official status and usually is mandated as a public body by a court or executive agency;
6) The group deals with more than one issue, and exists over a relatively long period of time;
7) The group addresses civil rights compliance only for students in elementary and secondary public schools; and
8) The civil rights issues to be monitored arise from the Fourteenth Amendment and subsequent court cases, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973.

In sum, a monitoring group is several citizens that are mandated to observe and report on the implementation of Titles IX and VI, Section 504 and the Fourteenth Amendment, for students in public schools, over a relatively long period of time and a variety of issues. Some groups do not have all of these characteristics; the full report discusses deviations from this strict definition.

III. WHAT IS MONITORING?: FOUR TYPES OF MONITORING BODIES

Because of the wide diversity of groups who claim to be "monitoring," because citizen monitoring is at such an early stage of development, and because so little has been written about monitoring groups, we do not offer a rigid definition of monitoring. The activity must include observation and evaluation of the actions of another body as it works to implement a given public policy such as a law or court order. Its purpose is directly or indirectly to control the actions of the body being monitored. Control here is defined as constraint or shaping; monitoring is one tool for getting schools to behave in ways that they might not otherwise have done.

Beyond this general definition, we offer four more specific definitions of monitoring. These four types of monitoring are described as sharply different from one another in order to highlight their distinctive features. But several of them are highly compatible with one another, and we make recommendations below about which are complementary and which are not.

The first type of monitoring is <u>statutory monitoring</u>. Monitoring bodies can help to insure compliance with a court order or statute and its interpretation through regulations. Judges are not equipped to understand, never mind oversee, the workings of a bureaucracy as complex, wide-ranging, diffuse, and perhaps hostile as a school system. Federal agencies such as OCR have few tools for overseeing and evaluating school systems that are geographically and psychologically far from

Washington. Thus both judges and agencies need a body that is on the scene, that provides reliable and extensive data about what is happening in the school system, and that can analyze and evaluate without proselytizing or distorting. It helps to shape the schools' implementation process through generating, organizing, and disseminating information. It is, in short, the institutionalized "eyes and ears of the court" (or agency.)

The second type of monitoring is political monitoring; monitoring bodies can be used to induce change in the political picture of a school system with regard to civil rights. Politcally-oriented monitoring bodies are less concerned with obeying the letter of the law or court order than with changing the balance of power among school actors, bringing new actors into the process, or bringing new resources to bear on civil rights problems. One variant of political monitoring is the interest-group model; it channels previously uninvolved people, resources, and energy from minorities, business people, and parents into selected aspects of school programs. It helps to shape the schools by facilitating the entrance of new actors into the civil rights implementation process. The other variant of political monitoring is the grass-roots model; it channels previously powerless people into decision-making positions within the school system. It helps to shape the schools by increasing the voice and leverage of some actors and decreasing that of others.

The third type of monitoring is educational monitoring; monitoring bodies can be used to improve the quality of education and to equalize access to good education. Educationally-oriented groups

are less concerned about either statutes or political balances than about enhancing the learning process. Educational monitoring also has two variants. The first focuses on opportunities; monitoring here means making sure that educational needs always have priority over all other demands, and that each student has a full and equal chance to become educated. School policies are shaped by encouraging educators to put their professional training to its best use. The second variant focuses on results; monitoring here means making sure the previously disadvantaged children receive enough compensatory treatment that they attain the same educational outcomes as other children. Here, school policies are shaped by influencing the allocation of educational resources in order to benefit formerly deprived students.

The fourth and final type of monitoring is social monitoring; a monitoring body can be used improve relations among hostile or distant groups, enhance the self-esteem of disadvantaged children, and involve more people in school activities. Such a group will strive to create good social relations within the group, to develop networks across groups and within the schools, to protect the physical safety and psychological well-being of formerly deprived students, and to build community morale. It will help to shape school policy by providing an example of intergroup harmony, and by fostering a supportive and diverse community within the schools.

Thus monitoring, as we use it, ranges from compliance review to needs assessment to program evaluation to a mediating device as it moves through the four types identified here. Again, several of these types are completely compatible with one another; others are less

or not at all compatible with one another. But all forms of monitoring share the quality of trying to shape a school system's implementation of its civil rights mandate by examining its behavior, gathering information about its actions, and conveying that information to others who may as a result take more directly controlling actions. Monitoring, in short, rests on the belief that knowledge is power.

IV. EVALUATING MONITORING BODIES

In order to evaluate the success of a monitoring group, one must consider conflict, effectiveness and failure.

A. Conflict

Monitoring bodies are set up in order directly or indirectly to help to control the actions of school systems as they implement civil rights requirements. Even groups whose mandate is only to gather and report information are implicitly part of a strategy to constrain and shape school actions; if they had no such role, no policy-maker would bother to set them up. Thus at least some conflict between the school system and the monitoring body is inevitable, and probably useful. If there were none, the monitors would be either superfluous or co-opted. The amount of useful conflict will vary according to the civil rights issue, community resources and sentiments, personalities of the actors, and so on. Too much conflict can be disastrous, but some is simply an indication that the monitoring body and its sponsor are doing their job.

A different kind of conflict is also likely, if not inevitable, within the monitoring body. Because the group is primarily

observing, and perhaps facilitating, it is not primarily acting directly to achieve civil rights mandates. Some members may feel that the somewhat limited and passive role of a monitoring group is too narrow, that the group should act on the information it gathers, or use its resources as a political actor, not just to help others. Perhaps it should so act — but then it is no longer a monitoring group. Thus conflict will arise both because the monitoring group is fostering change and because it is not creating change itself.

B. Effectiveness

If a certain kind and level of conflict is essential to monitoring group success, it is not sufficient for it. Defining success is difficult; accurately measuring it is impossible in the absence of controlled experiments. Nevertheless, we identify three measures of effectiveness, ranging from least to most stringent, and we seek to evaluate the groups we studied according to these measures. First, did the monitoring body achieve its own goals; was it effective in the sense that it achieved a goal that it saw as important? Each committee has one or more of the four goals described above and each goal has an appropriate set of committee outputs associated with it. The question then is, did a committee with, say, a statutory definition of civil rights success turn out the number and caliber of reports it thought was necessary?

Second, did the monitoring body achieve the goals defined for it by its sponsor; was it effective in the sense that it did what it was set up to do? Each sponsor of a monitoring group has one or

more civil rights goals, and each sponsor has at least a vague notion of how the monitoring committee can help to further it. The question then is, for example, if a sponsor defines civil rights success politically, did the monitoring committee satisfy the sponsor's desire to provide a forum for powerless individuals or uninvolved groups to develop an appropriate role in the school system?

Third, did the monitoring body make the implementation of students' civil rights any easier or more successful than it would have been if the body had not existed? With this definition of effectiveness, we move completely to the judgment of the observers. The question here is, can we as analysts argue that the monitoring body's existence or actions caused one or more aspects of the civil rights mandate to come noticeably closer to achievement?

C. Failure

Monitoring groups can fail according to one or another definition of effectiveness. They can also fail in more spectacular or definitive ways. General reasons for failure to be effective include:

1) No clear sense of the civil rights goal, or of the committee's mandate to help achieve that goal;
2) Disagreement among sponsors, between sponsor(s) and committee, or within the committee about the civil rights goal and monitoring body mandate;
3) Having an inappropriate structure, wrong or insufficient resources, or incorrect strategies to carry out its mandate;

4) Having an environment that is too hostile to permit much civil rights implementation at all;

5) Having a sponsor that is unwilling or unable to act on the committee's findings, so that its observations and activities can be ignored with impunity; or

6) Achieving symbolic success --eg. publishing reports, changing the racial or sexual composition of certain committees, holding forums etc. --that takes the place of real change.

Each type of monitoring group is also prey to more spectacular forms of failure. Specific types of failure, listed in the same order as the four types of monitoring are:

1) With regard to statutory goals, the greatest danger is that the committee loses its sense of being an objective, impartial, reliable observer and becomes caught up in adversarial relations with the school system -- or that the school system perceives it as an enemy rather than an uninvolved observer.

2) With regard to political goals, the greatest danger for a grass roots committee is that it will become totally engrossed in its battles with the school system and both sides will harden into implacable enemies. For an interest group committee, the danger is that it will become preoccupied with internal political contests or with political jockeying

between particular members and corresponding elements of the school system. In short, the danger here is that members of the committee will be, or at least be perceived as being, more interested in their own political goals and careers than in the civil rights issue *per se*.

3) With regard to educational goals, the greatest danger of an opportunity-oriented group is that it will be co-opted by the school system, so that it becomes an apologist for schools that cannot or will not change to meet civil rights goals. If many committee members are themselves educators, and if they come from the school system that they are monitoring, it may be very difficult for them to maintain pressure on the system to change while working for that system. For an achievement-oriented group, the greatest danger is that it will come to support, or be perceived as supporting, continued segregation between advantaged and deprived groups, and that it will blame the school system for circumstances and results that are due to more general economic and political inequities.

4) With regard to social goals, the greatest danger is that social relations within the committee, or friendly but superficial monitoring and programs within the schools, will blunt the edge of the

committee's mandate to protect and boost formerly deprived students. The committee may be unable both to criticize discriminatory treatment and to encourage cooperation and respect, and it may drop the former task in favor of the much more enjoyable latter task.

V. OUR BASIS FOR RECOMMENDATIONS

During 1979 and 1980, we studied eleven school districts with citizen groups monitoring race desegregation, eight districts with groups monitoring sex equity, and seven districts with groups monitoring aid to the handicapped. For each district, we read all the available scholarly studies, journalistic accounts, court orders, public documents, and unpublished material by participants in the civil rights activity. We then conducted a site visit to each district, during which we interviewed from two to twenty people, depending on the complexity of the issue and the number of people involved. We used a standard set of interview questions, and asked about the interview subject's role in the process, his or her goals for the civil rights activity, the nature and effect of the monitoring group, evidence and explanation of success and failure of the group, and recommendations for other groups. We interviewed school administrators and teachers, judges and attorneys, plaintiffs and defendants, parents and students, government officials, members and staff of the monitoring group, journalists and academics, community supporters and opponents of the implementation plan, and others. We also traveled to Washington, D.C.

to interview national leaders of interest groups and federal officials.

With this information, we devised criteria of effectiveness for monitoring groups and systematically compared the twenty-five school districts on various dimensions. The comparisons involved the sponsor of the group, the civil rights goal, the monitoring body's mandate, goal, responsibility, authority, structure, membership, resources, strategies for action, outputs and effects. These comparisons provided the basis for the recommendations below.

The full report contains details of the research methods. It also provides case studies of sixteen of the districts that we studied.

VI RECOMMENDATIONS FOR ALL MONITORING GROUPS

A. General Recommendations

Our main recommendation is that a monitoring body must be established carefully, thoughtfully, and coherently. The sponsor needs to know the circumstances of the particular school district, to understand the characteristics of the civil rights issue involved, to define clearly the proper role of the monitoring body, and to recognize that certain structures and strategies must be associated with certain roles for the monitoring group to have any success. Too often monitoring groups are established casually or ignorantly, and they end up frustrated by internal contradictions and external obstacles which could have been avoided. Much of this problem is no one's fault; it has stemmed from a lack of systematic knowledge of monitoring, which this report hopes to alleviate. As one judge responded to our

draft final report, "I only wish that I had had a similar document three years ago."

Thus our first recommendation is:

> The establishment of a monitoring group should not be an after-thought; it should be an integral part of a compliance plan or remedial court order. Make sure that the mandate, structure, membership, resources and strategies of a monitoring group are (1) appropriate to their setting and civil rights issue, and (2) consistent with each other.

Furthermore;

> A monitoring body should be established before the remedy or order is given, or before the overseeing agency tries to force a school district to comply with its regulations.

We have two other general recommendations. First, in civil rights issues, particularly race desegregation, emotions run high, ideologies are strong, perceptions are quickly skewed, no one can be a neutral observer. Monitoring groups, of course, are set up to try to alleviate this problem but it is extraordinarily difficult, if not impossible, for them to be truly objective. Thus:

> Do not rely on any single person's or group's interpretation of events. Members of monitoring bodies will inevitably be influenced by their own ideologies, ascriptive traits, methods of observation. and occupation. Thus the sponsor must both do everything possible to enhance the group's accuracy, and remain open to alternative viewpoints and interpretations.

Second, sponsors sometimes, consciously or not, appoint monitoring groups in the hope that they will make the problem go away -- or at least remove it from the sponsor's desk to someone else's. The sponsor's mandate and assignment of responsibilities to the committee are in this case less important than its real mission, which is to give school personnel, parents, supporters and opponents, public officials, and others some

entity besides the sponsor on which to focus their wrath, curiosity, and demands. The group may become a substitute for real oversight and change, or it may exhaust its energies fighting an unresponsive sponsor, or it may go off on its own track, dragging the unwilling sponsor along. None of these outcomes is desirable for anyone. Thus we recommend:

> A sponsor of a monitoring body should be prepared to spend as much, or more, effort on the civil rights issue being monitored as he would if no such group existed. A monitoring body is not a means of delegating responsibility or tasks; it is a means of helping a sponsor better perform his task.

We also recommend:

> A sponsor should beware of hidden agendas, his own and others, in setting up and overseeing monitoring groups. It is unlikely that all members of the group will share such hidden agendas, and the ensuing conflicts between group and sponsor and within the group inhibit the group's effectiveness.

B. Mandate

The mandates for most race desegregation monitoring groups appear very similar. What matters most in shaping a particular group is the committee's interpretation of that mandate. Our main recommendation for a mandate is:

> The mandate from a sponsor should clearly state the general mission, responsibilities, and authorities of the monitoring body. The entire group should then meet with the sponsor to answer questions and clear up misunderstandings. The mandate should be flexible enough to permit the monitoring body to decide how exactly to carry out its responaibilities. The monitoring body should have easy access to the sponsor to clear up misunderstandings that arise during its work, and it should explain its mandate clearly and repeatedly to the public and schools.

C. Authority and Power

A monitoring body must be given the authority it needs to carry out its mandate. This will vary primarily according to the type of monitoring group and will be discussed in Section VII. More generally, if a monitoring body has no leverage over a school system or if there is not a general perception that the sponsor has such leverage and uses the monitoring body's experience in deciding how and when to use it, a citizen monitoring group is useless. This extremely strong conclusion was almost universally drawn by interview subjects who are or have been members of monitoring groups. Their reasons are described in the full report; suffice it here to say that:

> The sponsor must either make it clear to all concerned that a monitoring group is purely advisory, and subject to the school's desires for it, or he must make it clear that the committee has his backing and that its experiences will be used in determining his future relations with the school system. If the sponsor makes the latter claim, he must be prepared to back it up when necessary.

Leverage can take many forms -- court orders, withholding of federal or state funds, adverse (or favorable) media coverage of key actors, political campaigns against elected school boards or other officials, pressure from businesses, student boycotts, parental protests, and so on. The right kind of leverage depends on the civil rights issue, the particular local circumstances, the type of sponsor, the monitoring body goals and mandate and the nature of the problem to which power is being addressed. The right level of leverage depends on the same factors -- too much power being applied can be almost as destructive as too little. We cannot specify a priori

exactly what kind and amount of power is appropriate to all circumstances. We can, however, recommend that:

> The sponsor and group members should agree on what levels and kinds of leverage are appropriate in particular situations. Ideally, they should reach this agreement, and publicize their intentions, before a crisis arises; the sponsor must then live up to his statements unless he has an excellent reason not to. The sponsor and group should make sure that the kind and level of power they intend to use are available, foster the monitoring body's goals, and are compatible with its structure, resources, and membership.

D. Structure

Different structures seem most appropriate for different type of monitoring bodies, and these structures will be discussed in section VII. The main general point is that some structure should be established early, perhaps before the body begins its work, so that procedural questions do not dominate the first few weeks or months of work. We recommend:

> The sponsor and chairperson of the monitoring body should set up an appropriate structure before the monitoring body begins to work. Decisions should be made about subcommittee organization, recruitment of members and staff, allocation of resources and authority within the committee, and communication channels with non-members. The structure must include mechanisms for change, and be flexible enough to respond to new circumstances or members' needs.

E. Membership

The focus and effectiveness of a monitoring group depends largely on the views and skills of its members. At a minimum:

> A sponsor must be very careful in choosing members of a monitoring group since the group's composition largely determines its direction and effect.

For that recommendation to be useful, however, we must specify the elements of a good choice. The members of a monitoring group, especially one dealing with race desegregation, must not be so diverse in their views on desegregation that they "retry the case" every time they meet. On the other hand, they must not be so uniform in their views that they have no credibility with people other than those they agree with. There must be enough diversity of methods of observation that many different kinds of information are gathered, but not so much diversity that members cannot agree on the implications of what they have observed. To achieve enough, but not too much, diversity among members, we make the following recommendations:

> The sponsor should choose members who are committed to carrying out the civil rights court order or regulations, whether or not they firmly believe in it. They need not advocate desegregation, but they must advocate obeying the law.
>
> The sponsor should make sure to choose members so that all actors in the process trust and respect at least some members in the monitoring group. That probably means that there should be some educators, a considerable number of minority representatives, some members with standing in the business community, and so on.
>
> Perhaps the best way to ensure that all actors trust at least some members is to ask each major actor to submit a list of acceptable candidates to the sponsor. The sponsor then chooses among that list of names according to other criteria, such as commitment to compliance and the symbolic issues to be discussed below.

The other main issue in choosing members is the importance of symbolic concerns. Having local residents with children in the public schools on the committee is a powerful symbol to community residents; so is having substantial representation among, and committee power held

by, members of formerly deprived groups. The question of length and location of residence may have little to do with one's skill as an observer and reporter, but it is an easy and convincing issue for skeptics to use in trying to dismiss the findings of the monitors. In short:

> The sponsor should be extremely sensitive to symbolic issues of place of residence, length of residence in the community, number of children in the public schools, socio-economic status, race, ethnicity, sex, and handicap in appointing monitoring group members. He should avoid appointing many people who are easily discredited on symbolic grounds.
>
> Also for symbolic purposes, the sponsor should appoint (or organize school elections for) student representatives on the committee. The students should not be treated merely as symbolic appendages; they should be full-fledged members of the committee with as much authority and responsibility as possible. However, their greatest value may be a symbolic one.

F. Resources and Strategies

Most recommendations about resources and strategies are contained in Section VII, since they vary by monitoring group type. However, some recommendations are appropriate for all groups.

1. Funding:

At least some funds, which are assured and regular, which can be spent at the monitoring body's discretion, and which are provided in a way that permits the body to remain independent of their donor, are essential. At a minimum, the group must have clerical help and supplies in order to communicate internally and with the sponsor, schools and community. At a maximum, it needs funds for a large professional

staff and computer time, for public forums and activities, for travel and consultants, for salaries of school monitors, and so on. Therefore, we recommend:

> A sponsor must provide, or otherwise ensure, steady and reliable -- although not necessarily a large amount of -- funding that the monitoring body can use as it sees fit and that has no implicit or explicit strings attached.

2. Staff:

A staff can make or break a monitoring group. The full report describes the functions and dangers of a staff. Here we point out merely that a staff can gather and analyze information, organize events and daily routines to make the best use of the committee members' time, provide emotional support and constructive criticism to public members, and do other useful tasks. It can also, however, create or fan dissension within the committee or between it and others, become a small bureaucracy with an agenda and momentum of its own, minimize or distort the committee's connections with the schools, sponsor and public, and do other harmful acts. We recommend, therefore, two things with regard to staff:

> The sponsor should ensure that the committee has at least a skeletal paid staff, probably chosen by the committee members and accountable to the committee.
>
> The sponsor and public members should choose staff carefully, focusing more on competence and acceptance of the committee's goals and mandate than on personal or ascriptive traits. Both sponsor and public members should be very alert to potential problems with staff, and move to solve them early.

3. Leadership:

The quality of the chair's leadership is crucial to a body that is composed of people with limited time, varying constituencies and pressures, different ideologies and desires, and disparate backgrounds and skills. A good chair must be able to weld this group into a cohesive unit that can agree upon and accomplish only a small set of its possible and desirable tasks. The chair must be able to keep control over the staff while leaving it enough autonomy to work; he or she must maintain good relations with the schools while insisting on certain demands; he or she must act as a public spokesperson and link to the sponsor without violating the autonomy of individual committee members. Specific qualities to be sought vary among types of monitoring groups; as a general recommendation we argue:

> The sponsor should be especially careful in designating the chair of a monitoring body. He or she must have public and private stature, strong leadership abilities, finely-tuned political instincts, and a commitment to give the time and effort necessary to lead a group of volunteers in a very delicate and difficult task.

4. Relations with the School System:

The twin dangers for a monitoring group are co-optation and extreme adversarial relations. Some conflict with the schools is probably inevitable if a monitoring body is doing its job well; sponsors should be wary of consistent agreement. But some monitors are so antagonistic or sensitive to co-optation that they needlessly aggravate school officials by refusing to entertain their suggestions or show them committee reports. We recommend:

> Monitoring groups should submit reports to the school system for comments or response before submitting them to the sponsor or making them public. The group should not be committed to making changes suggested by the schools, but they should somehow publicly acknowledge the schools' response.
>
> Monitoring groups should be alert to positive actions taken by the school system, and report positive actions whenever possible. It should not tone down justifiable criticisms, however.

The rest of our recommendations for resources and strategies vary according to the type of monitoring group established, and are discussed in Section VII.

G. Meetings, Reporting Procedures, and Outputs

Once again, these mostly vary by type of group so are considered below. We have, however, one general recommendation:

> Whatever time and place are chosen for meetings, whatever form and frequency are chosen for outputs, whatever procedures for disseminating information are agreed upon -- these should be established early, routinized quickly, and left in place unless there is an extremely strong reason for changing them.

This is not a recommendation for rigidity, but it is a call for standard operating procedures. Monitoring groups are composed of volunteers with different beliefs and skills, doing highly diffuse and innovative tasks, in a volatile atmosphere. Each of these features contributes a strong centrifugal force; anything that can be made routine and noncontroversial should be.

The rest of our recommendations vary by the type of group as described in Section II. We first suggest complementary and incompatible combinations, then present recommendations for the four types of monitoring group.

VII. RECOMMENDATIONS FOR THE FOUR TYPES OF MONITORING BODIES

A. Combinations That Do and Do Not Work

Sponsors vary on the type of monitoring body they see as most desirable. Judges and federal officials seek statutory monitoring; interest groups seek political monitoring; school systems seek educational monitoring; community leaders seek social monitoring. At least in theory that is the case; in practice, sponsors have seldom thought through what they want, have seldom articulated what they want, and have seldom chosen monitors and a structure that foster their goals. Too often goals and roles are blurred or incompatible. Again we urge our first recommendation, and add:

> Make sure that the monitoring body does not displace its mandate to pursue a goal other than the sponsor's. Alternatively, make sure that the new monitoring body goal is acceptable to the sponsor and all members and that the resources, structure, and strategies are changed to fit the new goal.

We make the following recommendations about combinations of types of monitoring bodies, or monitoring mandates, which seem especially fruitful and fruitless. Explanations and examples of each recommendation are contained in the full report.

> A statutory mandate should not be combined with a political or social mandate, or a results-oriented educational mandate. It can, under some circumstances, be combined with an opportunities-oriented educational mandate.

> A results-oriented educational mandate is usefully combined with a grass-roots political mandate. Alternatively, an opportunity-oriented educational mandate is usefully combined with an interest-group political mandate. The other possible combinations here (educational results and interest-group politics, and educational opportunities and grass-roots politics) are inherently unstable and possibly counterproductive.

> A social mandate is probably best combined with an interest-group politics and/or educational opportunities mandate.

Our final recommendation about the combination of mandates, which also is discussed more fully in the full report, is:

> The best way to achieve a variety of civil rights goals is to set up several citizen groups, each with a different mandate, membership, set of resources, and set of strategies.
>
> These groups should clearly understand the boundaries between them and the limits of each, but they should also work closely together and, where possible, reinforce each other's activities.

The advantages of a network of groups with distinct mandates all working toward separate but complementary ends include the avoidance of intra-group conflict and of efforts to switch from objective observer to passionate activist and back again. A network also gives the schools and community clear foci for different types of communication and claims. The dangers of a network are that the groups may expend their energy in fighting with each other over resources, power, and mandates rather than pursuing civil rights goals. To avoid such fights over turf, we recommend that:

> The sponsor must make sure that each group clearly understands and accepts its mandate and its relationship with the other groups.
>
> The sponsor must make sure that the structures and members are appropriate for each group.
>
> The sponsor should build as much as possible on groups that already exist to achieve a particular civil rights goal.
>
> The sponsor should make definitive allocations of any new resources, and should not permit any ambiguity over allocations of new powers, resources, or objects for monitoring.

Note that the sponsor himself can play the role of one of the groups in the network that we have just described. For example, if a state civil rights agency or the Office for Civil Rights does its own monitoring for legal compliance, the citizen group can concentrate on other goals, and can perhaps avoid an adversarial relationship between school and community.

We come now to recommendations for specific types of monitoring groups. They are presented here in tabular form; examples and explanations for these recommendations appear in the full report.

TABLE 1

Model of a Statutory Monitoring Body

SPONSOR:	Judge, OCR, state civil rights agency
MANDATE:	Provide systematic, objective information to sponsor about compliance with court order or statute
	Determine individuals or institutional processes that stand in the way of compliance and recommend ways to alleviate that problem
	Legitimize and depersonalize court order or law in eyes of community and implementors
	Make it clear to schools and community that compliance is inevitable, necessary, and possible
AUTHORITY:	Access to school data on students, faculty, and staff
	Access to sponsor and authorization to use his leverage when necessary
	Possible authority to speak for sponsor on reasons for and elements of compliance
STRUCTURE:	Sub-committees determined by issue areas
	Single spokesperson with authority over whole monitoring body
	Relatively formal organization
MEMBERSHIP:	Experts on policy implementation and evaluation, not necessarily experts on education or the particular community
	Not necessarily representative of sexual, racial, or handicapped groups
	Not necessarily powerful or well-known members of the community
	Some members must have standing in community to legitimize order or law to community and implementors
	Need familiarity with court system and litigation, or with agency and law

TABLE 1

Model of a Statutory Monitoring Body (continued)

RESOURCES --	
STAFF:	Large, especially legal and analytic experts
	Strong executive director
	Objective and trained monitors
FUNDING:	Substantial -- need staff salaries, computer funds, large amounts of materials and supplies, training and perhaps reimbursement for school monitors
	Complete independence from funder
LEADERSHIP:	Strong executive and analytic skills
	Public spokesperson (not necessarily same person)
MEETINGS:	When necessary to direct, respond to staff
	Closed to public
REPORTING PROCEDURES:	Regular reports to sponsor Dispersion to school, media, community etc. at sponsor's discretion
OUTPUTS:	Regular reports with systematic analysis of specific topics Printed explanations to community and implementors of requirements for compliance
STRATEGIES:	1) A stance as objective, uninvolved observers of the school system
	2) A minimum of expression of personal opinion and ideology, and a limit on recommendations, to the extent desired by the sponsor

TABLE 1

Model of a Statutory Monitoring Body (continued)

3) A high degree of autonomy for the staff, especially in gathering and analyzing the data, and a strong staff director

4) A single public spokesperson, who provides only as much publicity as is necessary to legitimize the order or law to the public

5) Information gathering that is system-wide, verifiable, not focussed on individual problems, and chosen in accordance with components of the court order or law

6) A perception among members and staff that they are all the staff of the sponsor, and that their role is to evaluate compliance with the plan, not the merits of the plan itself

7) Formal presentation, preferably in writing,to the community of facts about the litigation or law and actions needed to comply

TABLE 2

Model of Political Monitoring Body

Interest Group Model

SPONSOR:	Local community organizations, civic leaders, institutions in conjunction with court, school system, or agency
MANDATE:	Should be flexible
	Provide information on civil rights aspects of school programs and policies to community
	Provide forum for community to express concerns, become involved in civil rights implementation
	Establish programs that bring group resources into school system
	Establish channels for groups to influence relevant school policies and programs
	Provide forum for expression of claims and complaints by disadvantaged groups
	Establish contacts between school administration and group leaders
AUTHORITY:	Access to school documents and officials relevant to that group's arena of action
	Authority to set up and implement programs in conjunction with schools
STRUCTURE:	No single spokesperson
	Largely autonomous subcommittees, organized according to interest group and/or program area
	Informal structure

TABLE 2 (continued)

Model of Political Monitoring Body

Interest Group Model

MEMBERSHIP:	Residents of community
	No particular expertise, except wide contacts in community, organizational skills, and high credibility in school system
	High-level representatives of local organizations, interest groups
	Not necessarily all strong advocates of civil rights goals
	No particular proportion of disadvantaged groups
RESOURCES -- STAFF:	Relatively small, purely administrative
FUNDING:	If necessary to set up programs
	Try to raise funds from individual donations, private foundations, federal and st grants
LEADERSHIP:	No dominant leader; each member should be powerful leader in own arena
	Chair should be facilitator, above all
	Also should control and have access to external resources (eg. expertise, money, volunteer labor, training and jobs for students) that schools need
MEETINGS:	Open, often, in various locations around town
REPORTING PROCEDURES:	Non-technical information on activities to schools, media, community
	Make recommendations

TABLE 2 (continued)

Model of Political Monitoring Body

Interest Group Model

OUTPUTS:	New programs
	New resources into schools
	Advice to schools
STRATEGIES:	1) Informal, cooperative, friendly relations with school administrators
	2) Combinations of monitoring with recommendations and activism
	3) More interest in substantive policies and programs than in decision-making
	4) Pluralism and equal relations among committee members
	5) Selective efforts to involve the community, and responsiveness to selective elements of the community; good two-way communications with community leaders
	6) A perception of independence from the sponsor among members
	7) In some cases, an effort to use the monitoring body as a step toward further public office
	8) Cultivation of favorable media coverage of programs

Grass-Roots Model

SPONSOR:	Local community organizations seeking change, local political movements, parents' groups
MANDATE:	Should be flexible
	Provide information on civil rights requirements for school programs and policies to community
	Substantiate and publicize problems in civil rights implementation
	Develop mechanisms for previously uninvolved citizens to become involved in hiring, transfers, promotions of teachers and staff, and in atmosphere and substance in classrooms
	Provide credible threat to school system in case of intimidation or refusal to address citizen claims
	Provide forum for citizens to bring complaints, develop networks
	Seek redress of citizen complaints
AUTHORITY:	Attend meetings of school board and civil rights-related staff
	Access to intra-school system communications
	Sponsor or committee ability to prevent reprisals against members or constitutent
	Obtain information on representation of disadvantaged groups in school decision-making organs
STRUCTURE:	No single spokesperson; no dominant leader
	Largely autonomous subcommittees
	Informal structure Subcommittees by geographic area and/or by members' concerns

Grass-Roots Model (continued)

MEMBERSHIP:	Residents of community
	No particular expertise, except wide connections in community
	Representatives of previously disadvantaged groups, including students and leaders
	Activists, strong supporters of civil rights goals
	Ratio of groups represented even or in proportion to their numbers in the school system
RESOURCES --	
STAFF:	Small, primarily administrative
FUNDING:	Little; to reimburse poor participants, disseminate information, facilitate meetings
	Preference for private funding, with complete independence from funders and no obligations to school system
LEADERSHIP:	Strong political and ideological spokesperson
	Good facilitator of intra-group differences
MEETINGS:	Open, often, in various locations around town
REPORTING PROCEDURES:	Nontechnical information to media and community of activities
	Seek to reach normally uninvolved citizens
OUTPUTS:	Institutionalization of citizen involvement in school decisions
STRATEGIES:	1) Frequent adversarial or confrontational relations with school administrators
	2) Mutual support with some teachers and low-level staff

Grass-Roots Model (continued)

3) Efforts to combine highly qualitative monitoring with activism

4) Pluralism and equal relations among committee members

5) Open meetings that solicit community involvement

6) Efforts to determine and redress individual grievances of community members, rather than to do systematic analyses

7) Strong efforts to have good two-way communications with community

8) A perception among members that they are independent of their sponsor

9) Strong advocacy of civil rights goals with strong recommendations for implementation

10) Efforts to obtain and retain participation in school decisions

TABLE 3

Model of an Educational Monitoring Body

Equal Opportunities Model

SPONSOR:	School system, in conjunction with court or agency
MANDATE:	Clear boundaries and authorities
	Oversee improvement of educational offerings for formerly deprived students by monitoring assignment of students, teachers, resources, monitoring new programs and policies and analyzing results
	Help to minimize disruption of school functions attendent upon implementation of civil rights programs and policies by .establishing procedures for complaint filing and resolution .providing buffer between schools and educationally dysfunctional citizen protest .intervening with court or agency to suggest modifications of civil rights mandate inappropriate to that system
AUTHORITY:	Access to school administration, especially at high levels
	Access to data on students, teachers, and staff
	Access to sponsor
STRUCTURE:	Relatively informal
	Subcommittees by grade level, special programs
MEMBERSHIP:	Local residents predominate -- well-respected but not necessarily well-known
	Predominantly educators
	Some representation of deprived groups, but no necessary ratio or number

TABLE 3 (continued)

Model of an Educational Monitoring Body

Equal Opportunities Model

RESOURCES --	
STAFF:	Small, mostly educators and data analysts
FUNDING:	Low -- for administrative purposes, some data analysis. Could come from school system
LEADERSHIP:	Need strong organizing skills, good public presence, credibility among educators
MEETINGS:	When needed, open but not widely advertised
REPORTING PROCEDURES:	Reports to sponsor and school district as needed
OUTPUTS:	Reports on student participation in new and old programs
	Institutionalized procedures for redressing student grievances and alleviating dysfunctionally rigid rules
STRATEGIES:	1) Cooperation and close communication with school officials at all levels, but especially in top administration
	2) Objective data-gathering combined with recommendation but not necessarily activism
	3) Open but not extensively publicized meetings and reports; open communication channels with all segments of community

TABLE 3 (continued)

Model of an Educational Monitoring Body

Equal Opportunities Model

4) A combination of system-wide observation on some issues with ad hoc individual problem-solving on others

5) Independence from the sponsor but an attempt to work closely with him

6) A focus on integration of deprived and privileged students

Equal Achievement Model

SPONSOR:	Parents, members of deprived groups, local groups, plaintiffs (possibly in conjunction with court or agency)
MANDATE:	Strong, fairly flexible
	Evaluate changes in achievement levels for disadvantaged students
	Induce schools to compensate students enough to make up for past deprivations
	Help to modify aspects of court order or statute that impede achievement of deprived students, even if that entails maintaining separation of deprived and privileged students
	Establish procedures for complaint filing and resolution
	Monitor, substantiate and publicize differences in treatment among groups of students
AUTHORITY:	Access to data on placement, achievement etc.
	Access to information on how programs and policies determined
STRUCTURE:	Subcommittees by grade level, special programs
	Informal
	Volunteer monitors not necessarily part of committee
MEMBERSHIP:	Local residents, with credibility in community even if not well-known
	Predominantly members of deprived groups
	Some educators

Equal Achievement Model (continued)

RESOURCES--

STAFF: Small, for administrative purposes and to oversee volunteer monitors

FUNDING: Fairly low -- to train and compensate monitors, do some data analysis, compensate members if necessary

LEADERSHIP: Need strong political skills, ability to be ideological spokesperson
Member of formerly disadvantaged group

Educational credibility desirable

MEETINGS: When needed, open and widely advertised

REPORTING PROCEDURES: Reports to sponsor, school district, parents, and community as needed

OUTPUTS: Reports on changes in students achievement

Institutionalized procedures for compensation to deprived students as long as necessary

STRATEGIES:

1) Confrontational or adversarial relations with the school system

2) Investigation of specific complaints or problems, and a focus on deprived students rather than systemic analysis

3) Investigation of issues not specifically related to civil rights issues if they affect student achievement

4) Efforts to generate media coverage and community involvement, especially by parents and deprived groups

5) Control held by public members rather than staff

6) Efforts to become involved in the implementation process as well as to make recommendations

7) Considerate monitoring within schools and classrooms of daily activiti

TABLE 4

Model of a Social Monitoring Body

SPONSOR:	Community organizations and institutions, civic leaders, interest groups
MANDATE:	Flexible, broad
	Monitor in-class and extracurricular activities, resegregation, push-outs and drop-outs, guidence counseling, discipline
	Sponsor activities to bring different groups together, such as workshops and social gatherings
	Sponsor activites to provide role models, contacts, favorable images to deprived groups
	Receive and investigate complaints by deprived groups of discriminatory hostility or isolation
	Generate support for school system in community
AUTHORITY:	Monitor within classrooms
	Promote or perhaps induce activities and programs in school
STRUCTURE:	All subcommittees balanced among relevant groups
	Subcommittees by activity or program area
MEMBERSHIP:	Approximately equal representation of all relevant groups, all political viewpoints
	Residents of community
	No particular expertise, but widespread connections and community respect desirable
	Relatively large group

TABLE 4 (continued)

Model of a Social Monitoring Body

RESOURCES --	
STAFF:	Relatively small, for administrative purposes
FUNDING:	Moderate -- support for activities, reimburse participants, publicity for actions
LEADERSHIP:	No single spokesperson; leader mainly facilitator with widespread public respect
	Co-chairs of different groups for each subcommittee
MEETINGS:	Often, open, around town, in various forums
REPORTING PROCEDURES:	Regular newsletter, disseminated widely
	Perhaps television, radio shows, etc.
OUTPUTS:	Community activities
	Reports on school and classroom atmosphere
	References for students on jobs, educational opportunities, cultural events, etc.
	Pairings of cultural, educational, civic groups with schools or classrooms for special programs, job training etc.
	Programs in schools presenting historical, current accomplishments of members of deprived groups
STRATEGIES:	1) Working closely with all levels of the school system, avoiding adversarial relations in most cases
	2) A willingness to be more confrontational on issues which affect the safety or status of formerly deprived students
	3) Mixing observation with making recommendations, devising remedies, and helping to implement them

TABLE 4 (continued)

Model of a Social Monitoring Body

4) Pluralism within the committee, with cooperation among different groups within the committee .

5) Efforts to achieve wide and favorable media coverage

6) Open meetings, reports etc., which solicit community involvement; efforts to promote considerable involvement by all groups in community

7) A focus on school-by-school observation, responding to problems as they arise

8) Some system-wide monitoring of special programs, treatment of formerly disadvantaged students

9) Highly informal procedures

10) Independence from the sponsor

11) Commitment to good community relations more than strong advocacy of a particular civil rights goal

VIII. CONCLUSION

Monitoring, in all its variations, can be an enormously useful and attractive tool for helping to implement civil rights in schools. It gives courts and agencies a greater ability to enforce their mandates; it gives schools a chance to fit the mandate to local circumstances; it gives citizens a chance to shape crucially important and complex institutions in their lives; it facilitates true integration. However, monitoring also has built-in frustrations and conflicts, which must be confronted for it to succeed.

Perhaps the best way to understand why effective citizen monitoring can be so difficult is the following argument. Monitors need a series of resources, which we have described, to accomplish their tasks. However, these resources are granted by different actors in the implementation process, who act independently of one another. If two actors are in an adversarial relationship, the more one actor gives of the resources under its control to the monitoring body, the more the group will be perceived as a tool of that actor, and the fewer the resources that the other actor will give. Thus, to take the simplest case, the court can give a body a mandate, funding, staff, leaders, members, and the promise of judicial backing if necessary. But it cannot give the body information or legitimacy in the schools — only the schools can do that. And when court and schools are locked in a bitter fight, the more resources the court gives, the more that the schools withhold.

The core dilemma is that a small set of resources are all necessary but not sufficient by themselves effectively to monitor

civil rights compliance, and these resources are controlled by separate actors who are likely to be antagonistic to one another or to monitoring. These core resources are: 1) mandate, authority, and members, controlled by the sponsor; 2) information, controlled by the school system; and 3) community support or at least acquiescence, controlled by the community.

The strategies that a monitoring body must use to get enough of these three essential resources depend on local circumstances. If the school district is the sponsor, or is in agreement with the sponsor, the community is also likely to be supportive. In this situation, the monitoring body is able simply to work cooperatively with all actors. This is most likely to occur in groups dealing with aid to the handicapped. Such a situation is the most desirable -- but also is the one in which monitoring is least necessary and perhaps least forceful. If the school district and/or the community disagrees with the sponsor on civil rights goals or the means to achieve them, the monitoring body must make one of two choices in order to be effective. It may be very politically astute, and work hard to persuade all actors to give it the resources it needs. This situation is the most common one in sex equity cases. Finally the monitoring body may rely heavily on a sponsor who has and will use a considerable amount of power to force the schools and community to cooperate with the monitors. This situation is most likely to occur in race desegregation cases, and it is the situation in which monitoring is the hardest to do effectively and the most important to do effectively.

Our last recommendation, therefore, is:

To have an effective monitoring body, a sponsor must either

a) ensure that all actors will give the monitoring body the resources it needs;

b) give the monitoring body a leader, members, and other resources that will help it be persuasive to schools and community residents; or

c) give the monitoring body the backing it needs to force the schools and community to give it the resources it needs. This choice will depend on local circumstances and the issue being monitored.

The sponsor and monitors should adjust thir expectations accordingly. The first situation makes effective monitoring most likely; the second situation makes it possible but uncertain; and the third situation makes it extremely difficult, though not impossible.

We conclude with a final reminder that there are no definitive rules on what to monitor and how to do it. The choice of mandates, resources, and strategies, and the reasonable levels of expectation all depend on the kind of civil rights being monitored and the degree of enthusiasm or hostility to compliance among the actors. Monitoring is not a way to make a problem go away; it can be a way to help citizens participate in their schools and to make schools and governments respond to deprived minorities, women or handicapped students.